

# Resolutions and Decisions of the Security Council

1 August 2002 – 31 July 2003

Security Council  
Official Records



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## NOTE

The present volume of *Resolutions and Decisions of the Security Council* contains the resolutions adopted and the decisions taken by the Council on substantive questions during the period from 1 August 2002 to 31 July 2003, as well as decisions on some of the more important procedural matters. The resolutions and decisions are set out in parts I and II, under general headings indicating the questions under consideration. In each part, the questions are arranged according to the date on which they were first taken up by the Council in the period under review, and under each question the resolutions and decisions appear in chronological order.

The resolutions are numbered in the order of their adoption. Each resolution is followed by the result of the vote. Decisions are usually taken without a vote, but in cases where a vote has been recorded, it is given immediately after the decisions.

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## Membership of the Security Council in 2002 and 2003

In 2002 and 2003, the membership of the Security Council was as follows:

### 2002

Bulgaria  
Cameroon  
China  
Colombia  
France  
Guinea  
Ireland  
Mauritius  
Mexico  
Norway  
Russian Federation  
Singapore  
Syrian Arab Republic  
United Kingdom of Great Britain and Northern Ireland  
United States of America

### 2003

Angola  
Bulgaria  
Cameroon  
Chile  
China  
France  
Germany  
Guinea  
Mexico  
Pakistan  
Russian Federation  
Spain  
Syrian Arab Republic  
United Kingdom of Great Britain and Northern Ireland  
United States of America





# **Resolutions adopted and decisions taken by the Security Council from 1 August 2002 to 31 July 2003**

## ***Part I. Questions considered by the Security Council under its responsibility for the maintenance of international peace and security***

### **THE SITUATION IN ANGOLA<sup>1</sup>**

#### **Decisions**

At its 4595th meeting, held in private on 7 August 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4595th meeting, held in private on 7 August 2002, the Security Council considered the item entitled ‘The situation in Angola’.

“The President, with the consent of the Council, invited Mr. Georges Chikoti, Vice-Minister for External Relations of Angola, to participate in the discussion of the item, without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

“The President, with the consent of the Council, invited Mr. Ibrahim A. Gambari, Under-Secretary-General and Special Adviser for Africa, to participate in the discussion of the item, in accordance with rule 39 of the provisional rules of procedure.

“The Council heard briefings by Mr. Chikoti and Mr. Gambari.”

At its 4603rd meeting, on 15 August 2002, the Council decided to invite the representative of Angola to participate, without vote, in the discussion of the item entitled “The situation in Angola”.

#### **Resolution 1432 (2002) of 15 August 2002**

*The Security Council,*

*Reaffirming* all its previous resolutions, in particular resolution 1127 (1997) of 28 August 1997 and resolution 1412 (2002) of 17 May 2002, and the statements by its President on the situation in Angola, in particular the statement of 28 March 2002,<sup>2</sup>

*Welcoming* the historic step taken by the Government of Angola and the União Nacional para a Independência Total de Angola, on 4 April 2002, by signing the Complementary Memorandum of Understanding to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Remaining Military Issues Pending under the Lusaka Protocol,<sup>3</sup>

*Welcoming also* the efforts made by the Government of Angola to restore peaceful and secure conditions in the country, to re-establish effective administration and to promote national reconciliation,

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<sup>1</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1992 to 2001 and during the period from 1 January to 31 July 2002.

<sup>2</sup> S/PRST/2002/7.

<sup>3</sup> See S/2002/483.

*Welcoming further* the ongoing efforts of the União Nacional para a Independência Total de Angola to become an active participant in the democratic political process of Angola, in particular the demobilization and quartering of soldiers of the União Nacional para a Independência Total de Angola as well as the disbanding of its military wing on 2 August 2002,

*Reaffirming its commitment* to preserve the sovereignty and territorial integrity of Angola,

*Emphasizing* the importance of the full implementation of the “Acordos de Paz”,<sup>4</sup> the Lusaka Protocol,<sup>5</sup> the Complementary Memorandum of Understanding and the relevant Security Council resolutions, in close cooperation with the United Nations and the troika of observers,

*Recalling* the decision in resolution 1412 (2002) to suspend for a period of ninety days the measures imposed by paragraphs 4 (a) and (b) of resolution 1127 (1997) so as to facilitate travel by members of the União Nacional para a Independência Total de Angola in order for the peace process and national reconciliation to advance,

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

1. *Decides* to suspend the measures imposed by paragraphs 4 (a) and (b) of resolution 1127 (1997) for an additional period of ninety days from the date of adoption of the present resolution, with a view to encouraging further the peace process and national reconciliation in Angola;

2. *Decides also* that, prior to the end of that period, the Council may consider reviewing the measures referred to in paragraph 1 above, taking into account all available information, including from the Government of Angola, on the implementation of the peace accords;

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

*Adopted unanimously at the 4603rd meeting.*

#### **Decision**

At its 4604th meeting, on 15 August 2002, the Security Council decided to invite the representative of Angola to participate, without vote, in the discussion of the item entitled:

“The situation in Angola

“Report of the Secretary-General to the Security Council on Angola (S/2002/834)”.

#### **Resolution 1433 (2002) of 15 August 2002**

*The Security Council,*

*Reaffirming* its resolution 696 (1991) of 30 May 1991 and all its subsequent resolutions on the situation in Angola, in particular resolution 1268 (1999) of 15 October 1999,

*Emphasizing its commitment* to preserve the unity, sovereignty and territorial integrity of Angola,

*Reaffirming* the importance of the “Acordos de Paz”,<sup>4</sup> the Lusaka Protocol<sup>5</sup> and the Complementary Memorandum of Understanding to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Remaining Military Issues Pending under the Lusaka Protocol,<sup>3</sup> as well as relevant Council resolutions,

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<sup>4</sup> See S/22609, annex.

<sup>5</sup> S/1994/1441, annex.

*Recalling* the statement by its President of 28 March 2002,<sup>2</sup> which, in particular, stresses the willingness of the Council to support adjustments to the mandate of the United Nations Office in Angola, which should take into account recent developments in Angola,

*Welcoming* the report of the Secretary-General of 26 July 2002,<sup>6</sup>

*Expressing its appreciation* for the work of the Office in support of the people of Angola,

*Expressing its view* that the presence of the United Nations in Angola can contribute to the consolidation of peace through the promotion of political, military, human rights, humanitarian and economic goals, as set out in the report of the Secretary-General,

1. *Authorizes* the establishment, as a follow-on mission to the United Nations Office in Angola, of the United Nations Mission in Angola for a period of six months, until 15 February 2003, to pursue the objectives and to perform the tasks recommended by the Secretary-General in his report<sup>6</sup> and reflected in paragraph 3 below, and expresses its intention, in determining whether to extend, adjust or curtail the Mission, to take into account the recommendations of the Secretary-General based on the assessment of his Special Representative of progress made in completing the Lusaka Protocol;<sup>5</sup>

2. *Welcomes* the appointment of a resident Special Representative of the Secretary-General to serve as the head of the Mission and to oversee a coordinated and integrated approach to United Nations activities in Angola, as reflected in the mandate of the Mission described in paragraph 3 below;

3. *Endorses* the staffing of the Mission, as appropriate and as recommended by the Secretary-General in his report, including the recommendation for a child protection adviser, with the following mandate:

- (a) To assist the parties in concluding the Lusaka Protocol by:
  - (i) Chairing the Joint Commission;
  - (ii) Leading the completion of the agreed list of tasks which remain pending under the Lusaka Protocol;
- (b) To assist the Government of Angola in undertaking the following tasks:
  - (i) Protection and promotion of human rights and the building of institutions to consolidate peace and to enhance the rule of law;
  - (ii) Provision of technical advice and support for mine action;
  - (iii) Facilitation and coordination of delivery of humanitarian assistance to vulnerable groups, including internally displaced persons and families in quartering areas, with special concern for children and women;
  - (iv) Support for social and professional reintegration of demobilized personnel through appropriate United Nations agencies;
  - (v) Promotion of economic recovery through relevant United Nations agencies;
  - (vi) Mobilization of the resources of the international community, to include international donor conferences, as appropriate; and
  - (vii) Provision of technical assistance to the Government of Angola in the preparation of elections;

4. *Requests* the Secretary-General to report to the Security Council when his Special Representative confirms that the Joint Commission has determined that all remaining tasks under

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<sup>6</sup> S/2002/834.

the Lusaka Protocol have been completed, and notes that, upon the conclusion of the mandate of the Mission, the United Nations Resident Coordinator will resume authority for supervising the above tasks, as appropriate;

5. *Also requests* the Secretary-General to provide an interim report to enable a three-month review of the work of the Mission by the Council;

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

*Adopted unanimously at the 4604th meeting.*

### **Decisions**

On 12 September 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>7</sup>

“I have the honour to inform you that your letter dated 10 September 2002 concerning your intention to appoint Mr. Ibrahim A. Gambari as your Special Representative for Angola<sup>8</sup> has been brought to the attention of the members of the Security Council. They take note of the information and intention contained in your letter.”

At its 4628th meeting, on 18 October 2002, the Council decided to invite the representative of Angola to participate, without vote, in the discussion of the item entitled “The situation in Angola”.

### **Resolution 1439 (2002) of 18 October 2002**

*The Security Council,*

*Reaffirming* its resolution 864 (1993) of 15 September 1993 and all subsequent relevant resolutions, in particular resolutions 1127 (1997) of 28 August 1997, 1173 (1998) of 12 June 1998, 1237 (1999) of 7 May 1999, 1295 (2000) of 18 April 2000, 1336 (2001) of 23 January 2001, 1348 (2001) of 19 April 2001, 1374 (2001) of 19 October 2001, 1404 (2002) of 18 April 2002, 1412 (2002) of 17 May 2002 and 1432 (2002) of 15 August 2002,

*Reaffirming also* its commitment to preserve the sovereignty and territorial integrity of Angola,

*Welcoming* the steps taken by the Government of Angola and the União Nacional para a Independência Total de Angola toward the full implementation of the “Acordos de Paz”,<sup>4</sup> the Lusaka Protocol,<sup>5</sup> the Complementary Memorandum of Understanding to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Remaining Military Issues Pending under the Lusaka Protocol, of 4 April 2002,<sup>3</sup> and the relevant Council resolutions,

*Welcoming also* the reconvening of the Joint Commission, the establishment of the United Nations Mission in Angola and the appointment of a Special Representative of the Secretary-General for Angola,

*Expressing once again its concern* regarding the humanitarian effects of the present situation on the civilian population of Angola,

*Recognizing* the importance attached, inter alia, to the monitoring, for as long as it is necessary, of the implementation of the provisions contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998),

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<sup>7</sup> S/2002/1027.

<sup>8</sup> S/2002/1026.

*Noting* the existence of continued challenges to the stability of Angola, and determining that ensuring the stability of Angola is necessary for the maintenance of peace and security in the region,

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

1. *Expresses its intention* to give full consideration to the additional report of the monitoring mechanism<sup>9</sup> established pursuant to resolution 1295 (2000), submitted pursuant to paragraph 7 of resolution 1404 (2002);

2. *Decides* to extend the mandate of the monitoring mechanism for a further period of two months, ending on 19 December 2002, subject to review by the Security Council;

3. *Requests* the monitoring mechanism to provide the Security Council Committee established pursuant to resolution 864 (1993) (hereinafter referred to as “the Committee”), within ten days from the date of adoption of the present resolution, with an action plan for its future work, to include:

(a) Plans for ample consultations in Angola between members of the monitoring mechanism and representatives of both the Government of Angola and the União Nacional para a Independência Total de Angola, with a view to assessing the situation and to contributing towards a full review by the Council of the measures imposed against the União Nacional para a Independência Total de Angola, once the peace process has been completed;

(b) An assessment of possible violations of existing measures imposed against the União Nacional para a Independência Total de Angola that may have occurred since the signing of the Complementary Memorandum of Understanding;<sup>3</sup>

(c) Details on renewed efforts to locate funds and financial resources of the União Nacional para a Independência Total de Angola currently frozen pursuant to existing measures;

(d) The development of possible recommendations with regard to the issue of funds and financial resources which were located by Member States and subsequently frozen pursuant to existing measures;

(e) Details on the ongoing monitoring and investigation of possible violations of the arms embargo established pursuant to resolution 864 (1993) and prohibitions against the import from Angola of diamonds not controlled by the certificate-of-origin scheme of the Government of Angola, as called for pursuant to resolution 1173 (1998);

4. *Also requests* the monitoring mechanism to provide a further additional report to the Committee, by 13 December 2002, focusing in particular on possible violations of measures imposed against the União Nacional para a Independência Total de Angola that may have occurred since the signing of the Complementary Memorandum of Understanding and on the identification of funds and financial resources of the União Nacional para a Independência Total de Angola frozen pursuant to paragraph 11 of resolution 1173 (1998);

5. *Requests* the Secretary-General, upon adoption of the present resolution and acting in consultation with the Committee, to appoint two experts to serve on the monitoring mechanism, and also requests him to make the necessary financial arrangements to support the work of the mechanism;

6. *Requests* the Chairman of the Committee to submit the additional report to the Council by 19 December 2002;

7. *Calls upon* all States to cooperate fully with the monitoring mechanism in the discharge of its mandate;

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<sup>9</sup> S/2002/1119, annex.

8. *Decides* that the provisions of paragraphs 4 (a) and (b) of resolution 1127 (1997) shall cease to have effect from 0001 hours eastern standard time on 14 November 2002, following the expiration of the suspension of the measures as set out in paragraph 1 of resolution 1432 (2002);

9. *Decides also* to review, with a view to their possible lifting, all the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), by 19 November 2002, taking into account all available information, including from the Government of Angola and all other parties involved, on the implementation of the peace accords;

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

*Adopted unanimously at the 4628th meeting.*

### **Decision**

At its 4657th meeting, on 9 December 2002, the Security Council decided to invite the representative of Angola to participate, without vote, in the discussion of the item entitled "The situation in Angola".

### **Resolution 1448 (2002) of 9 December 2002**

*The Security Council,*

*Reaffirming* its resolution 864 (1993) of 15 September 1993 and all subsequent relevant resolutions, in particular resolutions 1127 (1997) of 28 August 1997, 1173 (1998) of 12 June 1998, 1237 (1999) of 7 May 1999, 1295 (2000) of 18 April 2000, 1336 (2001) of 23 January 2001, 1348 (2001) of 19 April 2001, 1374 (2001) of 19 October 2001, 1404 (2002) of 18 April 2002, 1412 (2002) of 17 May 2002, 1432 (2002) and 1433 (2002) of 15 August 2002 and 1439 (2002) of 18 October 2002,

*Reaffirming also* its commitment to preserve the sovereignty and territorial integrity of Angola,

*Welcoming* the steps taken by the Government of Angola and the União Nacional para a Independência Total de Angola toward the full implementation of the "Acordos de Paz",<sup>4</sup> the Lusaka Protocol,<sup>5</sup> the Complementary Memorandum of Understanding to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Remaining Military Issues Pending under the Lusaka Protocol, of 4 April 2002,<sup>3</sup> relevant Security Council resolutions, the declaration on the peace process issued by the Government of Angola on 19 November 2002<sup>10</sup> and the completion of the work of the Joint Commission, as expressed in the Declaration by the Joint Commission on the Peace Process, signed at Luanda on 20 November 2002,<sup>11</sup>

*Expressing once again its concern* regarding the humanitarian effects of the present situation on the civilian population of Angola,

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

1. *Expresses its intention* to give full consideration to the additional report of the monitoring mechanism<sup>9</sup> established pursuant to resolution 1295 (2000);

2. *Decides* that the measures imposed by paragraph 19 of resolution 864 (1993), paragraphs 4 (c) and (d) of resolution 1127 (1997) and paragraphs 11 and 12 of resolution 1173 (1998) shall cease to have effect from the date of adoption of the present resolution;

3. *Decides also* to dissolve the Security Council Committee established pursuant to paragraph 22 of resolution 864 (1993) with immediate effect;

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<sup>10</sup> S/2002/1337, annex.

<sup>11</sup> S/2002/1274, annex.

4. *Decides further* to request the Secretary-General to close the United Nations Trust Fund established pursuant to paragraph 11 of resolution 1237 (1999) and to make the necessary arrangements to reimburse, on a proportionate basis and in accordance with relevant financial procedures, those Members States that provided voluntary contributions to the Trust Fund.

*Adopted unanimously at the 4657th meeting.*

#### **Decisions**

At its 4671st meeting, on 17 December 2002, the Security Council decided to invite the representative of Angola to participate, without vote, in the discussion of the item entitled:

“The situation in Angola

“Interim report of the Secretary-General on the United Nations Mission in Angola (S/2002/1353)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ibrahim A. Gambari, Special Representative of the Secretary-General for Angola and Head of the United Nations Mission in Angola.

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### **THE SITUATION CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO<sup>12</sup>**

#### **Decisions**

At its 4596th meeting, on 8 August 2002, the Security Council decided to invite the representatives of the Democratic Republic of the Congo, Rwanda and South Africa to participate, without vote, in the discussion of the item entitled “The situation concerning the Democratic Republic of the Congo”.

At its 4597th meeting, held in private on 8 August 2002, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4597th meeting, held in private on 8 August 2002, the Security Council considered the item entitled ‘The situation concerning the Democratic Republic of the Congo’.

“Ms. Nkosazana C. Dlamini Zuma, Minister for Foreign Affairs of South Africa, Mr. Leonard She Okitundu, Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, and Mr. Patrick Mazimpaka, Special Envoy of the President of the Rwandese Republic on the Great Lakes Region, were invited, at their request, to participate in the discussion in accordance with rule 37 of the provisional rules of procedure of the Council.

“The members of the Council, the Minister for Foreign Affairs of South Africa, the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo and the Special Envoy of the President of Rwanda on the Great Lakes Region had a constructive discussion.”

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<sup>12</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1997 to 2001 and during the period from 1 January to 31 July 2002.

At its 4602nd meeting, on 15 August 2002, the Council decided to invite the representatives of the Democratic Republic of the Congo and Rwanda to participate, without vote, in the discussion of the item entitled “The situation concerning the Democratic Republic of the Congo”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>13</sup>

“The Security Council expresses its appreciation to the Ministers for Foreign Affairs of the Democratic Republic of the Congo and South Africa, and to the Special Envoy of the President of the Rwandese Republic on the Great Lakes Region, who participated in its meeting on the Democratic Republic of the Congo.

“The Council welcomes the Peace Agreement between the Governments of the Democratic Republic of the Congo and the Rwandese Republic and the Programme of Implementation for the Withdrawal of Rwandan Troops from the Territory of the Democratic Republic of the Congo and the Dismantling of the ex-Rwandese Armed Forces and Interahamwe in the Democratic Republic of the Congo, signed in Pretoria on 30 July 2002.<sup>14</sup> The Council commends the Governments of the Democratic Republic of the Congo and Rwanda for engaging in direct dialogue on their mutual security concerns and urges them to continue this dialogue.

“The Council expresses its full support for the implementation of the Pretoria Peace Agreement. In this regard, the Council looks forward to considering as soon as possible the recommendations of the Secretary-General on ways in which the United Nations Organization Mission in the Democratic Republic of the Congo and, through the coordination of the Mission, all relevant United Nations agencies can assist the parties in fulfilling their responsibilities to implement the Peace Agreement.

“The Council commends the Government of South Africa for its facilitation of the Peace Agreement, and for its further role, together with the Secretary-General, regarding the Agreement.

“The Council stresses, in particular, the responsibilities of the two parties set out in the Peace Agreement and the Programme of Implementation and calls upon the international community to assist and expedite the carrying out of those responsibilities.

“The Council reiterates its support for the mandate of the Mission, as established by its resolution 1417 (2002) of 14 June 2002, in particular in the area of voluntary disarmament, demobilization, repatriation, resettlement and reintegration.

“The Council expresses the importance of close consultations and cooperation between the Governments of the Democratic Republic of the Congo, Rwanda and South Africa, and the Mission, and through the coordination of the Mission, all relevant United Nations agencies, on measures that can help to implement that Agreement and to facilitate voluntary disarmament, demobilization, repatriation, resettlement and reintegration.

“The Council welcomes the commitments of the Governments of the Democratic Republic of the Congo and Rwanda under the Peace Agreement to cooperate in the identification, disarmament and repatriation of the ex-Rwandese Armed Forces and Interahamwe. The Council urges the parties to the Agreement to make every effort to comply fully with all their obligations, in conformity with Council resolution 1341 (2001) of 22 February 2001 and the Programme of Implementation of the Agreement. The Council also welcomes the commitment of the Government of Rwanda, under the Agreement, regarding the withdrawal of its troops from the territory of the Democratic Republic of the

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<sup>13</sup> S/PRST/2002/24.

<sup>14</sup> S/2002/914, annex.



Congo and, in this regard, notes the submission by Rwanda of its initial troop withdrawal plan to the 'Third Party'.

"The Council will remain seized of these matters."

At its 4608th meeting, held in private on 13 September 2002, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

"At its 4608th meeting, held in private on 13 September 2002, the Security Council considered the item entitled 'The situation concerning the Democratic Republic of the Congo'.

"Major-General Joseph Kabila, President of the Democratic Republic of the Congo, Mr. Paul Kagame, President of the Rwandese Republic, and Ms. Nkosazana C. Dlamini Zuma, Minister for Foreign Affairs of South Africa, were invited to participate in the discussion in accordance with rule 37 of the provisional rules of procedure of the Council.

"The Secretary-General, the members of the Council, the President of the Democratic Republic of the Congo, the President of Rwanda and the Minister for Foreign Affairs of South Africa had a constructive discussion."

At its 4626th meeting, on 18 October 2002, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in the discussion of the item entitled "The situation concerning the Democratic Republic of the Congo".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>15</sup>

"The Security Council welcomes the progress on withdrawal of foreign forces from the territory of the Democratic Republic of the Congo, stresses that the withdrawals must be completed, and calls for the implementation of all the agreements signed by the parties and all relevant resolutions of the Council. At the same time, the Council expresses its strong concern at the rising tensions in the east of the country, in particular in Uvira and in the Ituri region.

"The Council condemns the continuing violence in the east of the Democratic Republic of the Congo, in particular the attack on Uvira by Mai-Mai and other forces, and views with great concern the build-up of forces around Bukavu. The Council notes with concern that these actions add to the instability in the east of the Democratic Republic of the Congo, threaten regional stability, have severe humanitarian consequences, especially by increasing the numbers of internally displaced persons and refugees, and could threaten the border security of Burundi and Rwanda.

"The Council calls upon all parties to the conflict to cease hostilities immediately and without preconditions, welcomes the call by the Government of the Democratic Republic of the Congo in its communiqué of 14 October 2002 for such a ceasefire<sup>16</sup> and calls upon the Government of the Democratic Republic of the Congo and all Governments in the region to exert their influence on all the parties to this effect and to refrain from any action which would further exacerbate the situation or undermine the peace process.

"The Council invites the Secretary-General to report further on the events in the region of Uvira and stresses the importance for the United Nations Organization Mission in the Democratic Republic of the Congo to increase its monitoring presence in the east of the Democratic Republic of the Congo, in particular in the regions bordering Burundi and

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<sup>15</sup> S/PRST/2002/27.

<sup>16</sup> S/2002/1143, annex.

Rwanda, as soon as security conditions allow such a deployment. It encourages all local actors, including the parties to the conflict as well as civil society and religious organizations, to engage in talks in order to end the hostilities and to agree on a basis for peaceful coexistence in the region during the transitional period in the Democratic Republic of the Congo. In this regard, the Council encourages the Secretary-General to consider using his good offices to promote and facilitate such talks, with the Mission providing support where applicable.

“The Council reminds all parties in Uvira and in the area that they must abide by international humanitarian standards and ensure respect for human rights in the sectors they control.

“The Council expresses its deep concern over the intensification of ethnically targeted violence in the Ituri region. It condemns all such violence or incitement to violence. It requests all parties to take immediate action to defuse those tensions, ensure the protection of civilians and end violations of human rights. The Council welcomes the efforts of the Governments of Uganda and the Democratic Republic of the Congo to set up the Ituri Pacification Commission, as set out under the Luanda Agreement,<sup>17</sup> and requests the Mission to provide support in this regard, when applicable.

“The Council stresses that no Government, military force or organization or individual should provide military or other supplies or any other form of support to any of the groups involved in the fighting in the east of the Democratic Republic of the Congo and in Burundi.

“The Council also expresses its concern at the situation in Kisangani, and reiterates its demand that the city be demilitarized.

“The Council urges all Congolese parties to accelerate efforts to reach agreement on an all-inclusive Transitional Government and expresses its support for the efforts of the Special Envoy of the Secretary-General in this regard.

“The Council calls upon all parties and armed groups involved in the conflict in the Democratic Republic of the Congo to commit themselves to achieving a peaceful settlement for the region, and condemns any attempt to use military action to influence the peace process.

“The Council expresses its full support for the efforts of the Special Representative of the Secretary-General, the Mission and the Government of South Africa.

“The Council calls upon regional leaders to continue to support efforts to end the conflict in Burundi, and in this regard welcomes the recent visit of the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo to Burundi and the adoption of a joint communiqué by the two Governments.<sup>18</sup> The Council calls upon the two Governments rapidly to conclude an agreement on the normalization of relations and cooperation in security matters.”

At its 4634th meeting, on 24 October 2002, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in the discussion of the item entitled:

“The situation concerning the Democratic Republic of the Congo

“Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146)”.

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<sup>17</sup> Treaty on the withdrawal of Ugandan troops from the Democratic Republic of the Congo, cooperation and normalization of relations between the Democratic Republic of the Congo and the Republic of Uganda, signed at Luanda on 6 September 2002.

<sup>18</sup> S/2002/1142, annex.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mahmoud Kassem, Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

At its 4642nd meeting, on 5 November 2002, the Council decided to invite the representatives of Belgium, Canada, the Democratic Republic of the Congo, Denmark, Oman, Rwanda, South Africa, Uganda and Zimbabwe to participate, without vote, in the discussion of the item entitled:

“The situation concerning the Democratic Republic of the Congo

“Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mahmoud Kassem, Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

Upon resumption of the meeting, on 5 November 2002, the Council decided to invite the representative of Angola to participate, without vote, in the discussion of the item.

At its 4653rd meeting, on 4 December 2002, the Council considered the item entitled:

“The situation concerning the Democratic Republic of the Congo

“Special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2002/1005)”.

**Resolution 1445 (2002)  
of 4 December 2002**

*The Security Council,*

*Recalling* its resolutions and the statements by its President regarding the Democratic Republic of the Congo,

*Reaffirming* the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all other States in the region,

*Reaffirming also* the obligation of all States to refrain from the use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes and principles of the United Nations,

*Reaffirming further* the sovereignty of the Democratic Republic of the Congo over its natural resources,

*Recalling* the responsibility of all parties to cooperate in the full deployment of the United Nations Organization Mission in the Democratic Republic of the Congo,

*Recognizing* the importance of a gender perspective in peacekeeping operations, in accordance with Security Council resolution 1325 (2000) of 31 October 2000, and the importance of the protection of children in armed conflict, in accordance with Council resolution 1379 (2001) of 20 November 2001,

*Taking note* of the special report of the Secretary-General of 10 September 2002 and the recommendations contained therein,<sup>19</sup>

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<sup>19</sup> S/2002/1005.

*Determining* that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

1. *Welcomes* the signature by the Democratic Republic of the Congo and the Rwandese Republic of the Peace Agreement, at Pretoria on 30 July 2002,<sup>14</sup> as well as the signature by the Democratic Republic of the Congo and the Republic of Uganda of the Luanda Agreement,<sup>17</sup> and welcomes also the efforts of South Africa, Angola and the Secretary-General in facilitating the adoption of those agreements;

2. *Welcomes also* the decision taken by all foreign parties to withdraw fully their troops from the territory of the Democratic Republic of the Congo, as well as progress in the implementation of those processes, in particular the withdrawal of 23,400 Rwandan troops from the Democratic Republic of the Congo verified by the Third Party Verification Mechanism, on 24 October 2002, as well as the withdrawals by Uganda, Zimbabwe and Angola, and stresses the importance for these withdrawals to be completed in a transparent, orderly and verified manner, and in this regard underlines the need for the parties to facilitate the verification of these withdrawals, including through the continuous provision to the United Nations Organization Mission in the Democratic Republic of the Congo of detailed information on these withdrawals, and requests the Secretary-General to report to the Council on this matter;

3. *Expresses its full support* for the Third Party Verification Mechanism, welcomes its work in helping the parties to implement the Pretoria Peace Agreement,<sup>14</sup> in accordance with Security Council resolutions and the norms of international law, and stresses the importance of close cooperation between the Government of South Africa and the Mission in the work of the Mechanism;

4. *Stresses* the importance of the voluntary nature of the disarmament, demobilization, repatriation, reintegration or resettlement of the armed groups referred to in chapter 9.1 of annex A to the Ceasefire Agreement signed at Lusaka on 10 July 1999,<sup>20</sup> calls upon the leaders and members of the armed groups to enter the disarmament, demobilization, repatriation, resettlement and reintegration process, also calls upon all concerned to work to this end, emphasizes the need to intensify the public information efforts of the Mission in this regard, and calls upon all parties to support these efforts;

5. *Also stresses* the importance of further early and substantial progress in the process of voluntary disarmament, demobilization, repatriation, resettlement and reintegration throughout the country to match the progress achieved on the withdrawal of foreign forces, and urges all parties concerned to cooperate fully with the Mission in this regard;

6. *Welcomes* the repatriation of ex-combatants and their dependants from Kamina, while noting that the number of those repatriated falls short of the original number of those assembled, and recognizes the good will and efforts of the Governments of the Democratic Republic of the Congo and Rwanda in cooperating on this issue with the Mission thus far;

7. *Welcomes also* the efforts of the Government of Rwanda in providing guarantees that ex-combatants and their dependants will be able to return in conditions of safety and security, stresses the importance of such guarantees, stresses also the importance of confidence-building measures, including international monitoring and reintegration assistance, and calls upon the Secretariat and other relevant bodies, in consultation with the signatories of the Ceasefire Agreement, to address the issue of the resettlement of any ex-combatants who may not wish to return to their home country;

8. *Welcomes further* the statement of 24 September 2002 of the Government of the Democratic Republic of the Congo banning the activities of the Forces démocratiques de libération du Rwanda throughout the territory of the Democratic Republic of the Congo and

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<sup>20</sup> S/1999/815, annex.

declaring the leaders of that movement *persona non grata* on its territory, and encourages it to implement further its commitments to advance the disarmament, demobilization, repatriation, resettlement and reintegration of the armed groups in accordance with the Pretoria Peace Agreement;

9. *Welcomes* the commitment of the Government of the Democratic Republic of the Congo and other Congolese parties to achieve an inclusive agreement on the political transition, stresses the importance of such an agreement to the wider peace process, calls upon all Congolese parties to cooperate actively with a view to a speedy conclusion of such an agreement, and in this regard expresses its full support for the efforts of the Special Envoy of the Secretary-General;

10. *Notes* the encouraging developments on the ground, endorses the recommendations of the Secretary-General contained in his special report,<sup>19</sup> including those relating to the support of the Mission for the Third Party Verification Mechanism as well as the proposal to extend the funding of the quick-impact projects of the Mission, endorses in particular, the new concept of operations outlined in paragraphs 48 to 54 of the report, and authorizes the expansion of the Mission to consist of up to 8,700 military personnel, principally composed of two task forces, to be deployed on a phased basis as follows: the second task force shall be deployed when the Secretary-General reports to the Council that the first task force has been successfully deployed and the disarmament, demobilization and repatriation caseload cannot be met by the existing capacity of the first task force alone;

11. *Endorses*, in regard to disarmament, demobilization and repatriation under the new concept of operations of the Mission, the interim funding mechanism set out in paragraph 74 of the report for the voluntary disarmament, demobilization and repatriation of members of foreign armed groups, recognizes the importance of addressing the repatriation of dependants along with the ex-combatants, and calls upon the international community to provide the funds for this process;

12. *Calls upon* the Mission to pay special attention in carrying out its mandate to all aspects relating to gender perspective, in accordance with resolution 1325 (2000), as well as to the protection and reintegration of children, in accordance with resolution 1379 (2001);

13. *Stresses* that the main responsibility for resolving the conflict rests with the parties themselves, that they must continue to demonstrate their will to respect fully their commitments and that further efforts will be necessary to reach a comprehensive solution to the conflict and, in this regard:

(a) *Calls for* a full cessation of hostilities involving regular forces and armed groups throughout the territory of the Democratic Republic of the Congo, in particular in South Kivu and in Ituri;

(b) *Calls for* the cessation of all support to the armed groups referred to in chapter 9.1 of annex A to the Ceasefire Agreement;

(c) *Calls upon* all parties to provide full access for the Mission and the Third Party Verification Mechanism throughout the territory of the Democratic Republic of the Congo, including inside all ports, airports, airfields, military bases and border crossings;

(d) *Calls for* the surrender to the International Tribunal for Rwanda<sup>21</sup> of any persons indicted by the Tribunal,

(e) *Reiterates* its demand for Kisangani to be demilitarized without further delay or preconditions;

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<sup>21</sup> International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994.

(f) Demands that all parties work towards the immediate full restoration of freedom of movement on the Congo river;

14. *Expresses its deep concern* over the humanitarian situation throughout the country and, in particular, in the Ituri region, calls upon the parties to allow humanitarian agencies and organizations full access to populations in need and to ensure the safety and security of humanitarian workers, and condemns those who seek to hamper the provision of assistance to civilians in need;

15. *Also expresses its deep concern* over the intensification of ethnically targeted violence in the Ituri region, condemns all such violence or incitement to violence, requests all parties to take immediate actions to defuse these tensions, ensure the protection of civilians and end violations of human rights, calls upon all parties, in particular the Union des patriotes congolais, to cooperate to set up the Ituri Pacification Commission, and requests the Secretary-General to increase the presence of the Mission stationed in the area, if he determines that the security condition allows it, in order to provide support to this process as well as to humanitarian efforts, and to report back to the Council;

16. *Notes* the commitment of Uganda under the Luanda Agreement to complete the withdrawal of its forces no later than 15 December 2002, welcomes the positive interaction between the Governments of the Democratic Republic of the Congo and Uganda since the signing of the Agreement, and calls upon both parties to work, together and with the Mission, towards conditions that will allow the Agreement to be implemented in full;

17. *Reiterates* that no Government, military force or organization or individual should provide military or any other form of support to any of the groups involved in the fighting in the east of the Democratic Republic of the Congo, in particular in Ituri;

18. *Encourages* the Mission to continue its assessment of police capabilities and training needs in the Democratic Republic of the Congo, including, when necessary, at the level of local communities, with special attention to the Ituri area;

19. *Calls upon* all parties to pay special attention to all aspects relating to gender, in accordance with resolution 1325 (2000), and to the protection of children, in accordance with resolution 1379 (2001);

20. *Encourages* the Governments of the Democratic Republic of the Congo and, respectively, Rwanda and Uganda to take steps to normalize their relations and to cooperate to ensure mutual security along their borders, as provided for in the Pretoria Peace Agreement and the Luanda Agreement, and also encourages the Governments of the Democratic Republic of the Congo and Burundi to take similar steps;

21. *Stresses* the crucial importance of preventing the situation in the Democratic Republic of the Congo having a further destabilizing effect on the neighboring States, in particular Burundi, Rwanda, Uganda and the Central African Republic, and calls upon all parties concerned to cooperate in good faith to that end and to facilitate in this regard the continuing observation efforts by the Mission in the areas of its deployment, including eastern Democratic Republic of the Congo and border areas;

22. *Reaffirms* that an international conference on peace, security, democracy and development in the Great Lakes region, with participation by all the Governments of the region and all other parties concerned, should be organized at the appropriate time, under the aegis of the United Nations and the African Union, with a view to strengthening stability in the region and working out conditions that will enable everyone to enjoy the right to live peacefully within national borders;

23. *Strongly condemns* the repeated harassment of Radio Okapi staff, and demands that all parties concerned desist from such actions;

24. *Reiterates its full support* for the Special Representative of the Secretary-General and for all the dedicated Mission personnel who operate in challenging conditions;

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

*Adopted unanimously at the 4653rd meeting.*

#### **Decision**

At its 4691st meeting, on 24 January 2003, the Security Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in the discussion of the item entitled:

“The situation concerning the Democratic Republic of the Congo

“Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146)”.

#### **Resolution 1457 (2003) of 24 January 2003**

*The Security Council,*

*Recalling* its resolutions 1291 (2000) of 24 February 2000, 1304 (2000) of 16 June 2000, 1323 (2000) of 13 October 2000, 1332 (2000) of 14 December 2000, 1341 (2001) of 22 February 2001, 1355 (2001) of 15 June 2001, 1376 (2001) of 9 November 2001, 1417 (2002) of 14 June 2002 and 1445 (2002) of 4 December 2002, and the statements by its President of 26 January,<sup>22</sup> 2 June<sup>23</sup> and 7 September 2000<sup>24</sup> and 3 May<sup>25</sup> and 19 December 2001,<sup>26</sup>

*Reaffirming* the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all other States in the region,

*Reaffirming also* the sovereignty of the Democratic Republic of the Congo over its natural resources,

*Recalling* the letters dated 12 April<sup>27</sup> and 10 November 2001<sup>28</sup> and 22 May 2002<sup>29</sup> from the Secretary-General,

*Reiterating its commitment* to take appropriate action to help to put an end to the plundering of the resources of the Democratic Republic of the Congo, in support of the peace process,

*Determining* that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and stability in the Great Lakes region,

1. *Takes note* of the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (hereinafter “the Panel”), transmitted by the Secretary-General in his letter dated 15 October 2002;<sup>30</sup>

2. *Strongly condemns* the illegal exploitation of the natural resources of the Democratic Republic of the Congo;

3. *Notes with concern* that the plundering of the natural resources and other forms of wealth of the Democratic Republic of the Congo continues and that it is one of the main elements

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<sup>22</sup> S/PRST/2000/2.

<sup>23</sup> S/PRST/2000/20.

<sup>24</sup> S/PRST/2000/28.

<sup>25</sup> S/PRST/2001/13.

<sup>26</sup> S/PRST/2001/39.

<sup>27</sup> S/2001/357.

<sup>28</sup> S/2001/1072.

<sup>29</sup> S/2002/565.

<sup>30</sup> S/2002/1146, annex.

fuelling the conflict in the region, and in this regard demands that all States concerned take immediate steps to end these illegal activities which are perpetuating the conflict, impeding the economic development of the Democratic Republic of the Congo and exacerbating the suffering of its people;

4. *Reiterates* that the natural resources of the Democratic Republic of the Congo should be exploited transparently, legally and on a fair commercial basis, to benefit the country and its people;

5. *Stresses* that the completion of the withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo as well as the early establishment of an all-inclusive Transitional Government in the country, which will ensure that central government control is reinstated and that viable administrations are empowered to protect and regulate the exploitation activities, are important steps towards ending the plundering of the natural resources of the Democratic Republic of the Congo;

6. *Stresses also* that the possible convening of an international conference on peace, security, democracy and development in the Great Lakes region at the appropriate time could help the States of the region in promoting a sound regional economic integration, to the benefit of all the States in the region;

7. *Notes* the importance of the natural resources and extractive sectors for the future of the Democratic Republic of the Congo, encourages States, international financial institutions and other organizations to assist Governments in the region in their efforts to create appropriate national structures and institutions to control the exploitation of resources, and encourages the Government of the Democratic Republic of the Congo to work closely with the international financial institutions and the donor community to establish Congolese institutional capacity to ensure that these sectors are controlled and operated in a transparent and legitimate way, so that the riches of the Democratic Republic of the Congo can benefit the Congolese people;

8. *Stresses* the importance of following up the independent findings of the Panel regarding the link between the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict, stresses the importance of exerting the necessary pressure to put an end to such exploitation, notes that the reports of the Panel to date have made a useful contribution to the peace process in this regard, and therefore requests the Secretary-General to give a new mandate to the Panel for a period of six months, at the end of which the Panel should provide a report to the Security Council;

9. *Stresses also* that the new mandate of the Panel should include:

(a) Further review of relevant data and analysis of information previously gathered by the Panel, as well as any new information, including, specifically, material provided by individuals and entities named in the previous reports of the Panel, in order to verify, reinforce and, where necessary, update the findings of the Panel and/or to clear parties named in its previous reports, with a view to adjusting accordingly the lists attached to those reports;

(b) Information on actions taken by Governments in response to the previous recommendations of the Panel, including information on how capacity-building and reforms in the region are affecting exploitation activities;

(c) An assessment of the actions taken by all those named in the reports in respect of paragraphs 12 and 15 below;

(d) Recommendations on measures that a Transitional Government in the Democratic Republic of the Congo and other Governments in the region could take to develop and enhance their policies, legal framework and administrative capacity to ensure that the resources of the Democratic Republic of the Congo are exploited legally and on a fair commercial basis, to benefit the Congolese people;



10. *Requests* the Chairman of the Panel to brief the Council on any progress towards the cessation of the plundering of the natural resources of the Democratic Republic of the Congo, three months after the resumption of the work of the Panel;

11. *Invites*, in the interests of transparency, individuals, companies and States which have been named in the last report of the Panel<sup>30</sup> to send their reactions, with due regard to commercial confidentiality, to the Secretariat no later than 31 March 2003, and requests the Secretary-General to arrange for the publication of those reactions, upon request by individuals, companies and States named in the report of 8 October 2002, as an attachment to this report, no later than 15 April 2003;

12. *Stresses* the importance of dialogue between the Panel, individuals, companies and States, and requests in this regard that the Panel provide to the individuals, companies and States named, upon request, all information and documentation connecting them to the illegal exploitation of the natural resources of the Democratic Republic of the Congo, and requests the Panel to establish a procedure to provide to Member States, upon request, information previously collected by the Panel to help them to take the necessary investigative action, subject to the duty of the Panel to preserve the safety of its sources, and in accordance with United Nations established practice, in consultation with the Office of Legal Affairs of the Secretariat;

13. *Emphasizes* the duty of the individuals, companies and States named in the report to respect the confidentiality of the material to be given to them by the Panel so as to ensure that the safety of the sources of the Panel is preserved;

14. *Requests* the Panel to provide information to the Organisation for Economic Cooperation and Development Committee on International Investment and Multinational Enterprises and to the National Contact Points for the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises in the States where business enterprises listed in annex III to the last report as being allegedly in contravention of the guidelines of the Organisation for Economic Cooperation and Development are registered, in accordance with United Nations established practice;

15. *Urges* all States, especially those in the region, to conduct their own investigations, including, as appropriate, through judicial means, in order to clarify credibly the findings of the Panel, taking into account the fact that the Panel, which is not a judicial body, does not have the resources to carry out an investigation whereby those findings can be considered as established facts;

16. *Notes with satisfaction*, in this regard, the decision of the Attorney General of the Democratic Republic of the Congo to start a judicial procedure, commends the decision of the Government of the Democratic Republic of the Congo to suspend momentarily the officials named in the reports pending further clarification, and requests the Panel to cooperate fully with the Office of the Attorney General and to provide to that Office information it may need to conduct its investigations, subject to the duty of the Panel to preserve the safety of its sources and in accordance with United Nations established practice, in consultation with the Office of Legal Affairs;

17. *Also notes with satisfaction* the actions taken by other States, including the decision by the Government of Uganda to establish a Judicial Commission of Inquiry, urges all States concerned, and in particular the Governments of Zimbabwe and Rwanda to cooperate fully with the Panel and to investigate further the accusations made through due judicial process, and stresses the importance of collaboration between the Panel and all investigative bodies;

18. *Encourages* all organizations concerned to consider, as appropriate, the relevant recommendations contained in the reports of the Panel, and in particular encourages the organizations of specialized industries to monitor trade in commodities from conflict areas, in particular the territory of the Democratic Republic of the Congo, and to collect data in this regard, with a view to helping to put an end to the plundering of the natural resources in those areas;

19. *Encourages* the implementation of the decisions taken within the framework of the Inter-Congolese Dialogue, especially its recommendation to establish a special commission to examine the validity of economic and financial agreements in the Democratic Republic of the Congo;

20. *Expresses its full support* to the Panel, and reiterates that all parties and relevant States must extend their full cooperation to the Panel, while ensuring necessary security for the experts;

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

*Adopted unanimously at the 4691st meeting.*

### **Decisions**

At its 4705th meeting, on 13 February 2003, the Security Council decided to invite the representatives of the Democratic Republic of the Congo and Rwanda to participate, without vote, in the discussion of the item entitled "The situation concerning the Democratic Republic of the Congo".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and Mr. Sergio Vieira de Mello, United Nations High Commissioner for Human Rights.

At its 4723rd meeting, on 20 March 2003, the Council considered the item entitled "The situation concerning the Democratic Republic of the Congo".

### **Resolution 1468 (2003) of 20 March 2003**

*The Security Council,*

*Recalling* its resolutions and the statements by its President regarding the Democratic Republic of the Congo,

*Expressing its full support* for the efforts of the United Nations High Commissioner for Human Rights and its appreciation of his report on the situation in Ituri,<sup>31</sup> and recalling the previous report on the situation in Kisangani,<sup>32</sup>

*Welcoming* the thirteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo,<sup>33</sup>

*Commending* the Government of Angola for its efforts in ensuring the implementation by the parties of the Luanda Agreement,<sup>17</sup> which establishes the basis for a settlement in the Ituri area, and expressing its gratitude to the Government of Angola for its readiness to continue these efforts,

*Commending* the Government of South Africa for its role in cooperation with the Special Envoy of the Secretary-General in helping the Congolese parties to reach an agreement on the transitional arrangements,

*Commending* the efforts of the Special Envoy of the Secretary-General, the Special Representative of the Secretary-General and their teams for helping to steer the negotiations in Pretoria to a successful conclusion,

*Determining* that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

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<sup>31</sup> See S/2003/216.

<sup>32</sup> See S/2002/764.

<sup>33</sup> S/2003/211.

1. *Welcomes* the agreement reached by the Congolese parties, in Pretoria on 6 March 2003, on the transitional arrangements, commends the Congolese parties, whose responsibility it is to implement fully the commitments they have made, for their efforts in settling the outstanding issues, and calls upon them to establish as soon as possible the Transitional Government in the Democratic Republic of the Congo, and stresses that any effort to undermine or delay its establishment would be unacceptable;
2. *Condemns* the massacres and other systematic violations of international humanitarian law and human rights perpetrated in the Democratic Republic of the Congo, in particular sexual violence against women and girls as a tool of warfare and atrocities perpetrated in the Ituri area by troops of the Mouvement de libération du Congo and the Rassemblement congolais pour la démocratie-National, as well as the acts of violence recently perpetrated by the forces of the Union des patriotes congolais, and reiterates that there will be no impunity for such acts and that the perpetrators will be held accountable;
3. *Stresses* that the military officers whose names are mentioned in the report of the United Nations High Commissioner for Human Rights in connection with serious violations of international humanitarian law and human rights should be brought to justice through further investigation and, if it is warranted by that investigation, be held accountable through a credible judicial process;
4. *Calls upon* the Congolese parties, when they are selecting individuals for key posts in the Transitional Government, to take into account the commitment and record of those individuals with regard to respect for international humanitarian law and human rights and the promotion of the well-being of all Congolese;
5. *Strongly encourages* the Congolese parties forming the Transitional Government to establish as soon as possible a truth and reconciliation commission charged with determining responsibility for serious violations of international humanitarian and human rights law, as set forth in the resolutions adopted within the framework of the Inter-Congolese Dialogue held in Sun City, South Africa, in April 2002;
6. *Reiterates* that all parties claiming a role in the future of the Democratic Republic of the Congo must demonstrate their respect for human rights and international humanitarian law, as well as the security and well-being of civilian populations, and emphasizes that the Transitional Government in the Democratic Republic of the Congo will have to restore law and order and respect for human rights and end impunity, across the entire country;
7. *Requests* the Secretary-General to increase the number of personnel in the human rights component of the United Nations Organization Mission in the Democratic Republic of the Congo to assist and enhance, in accordance with its current mandate, the capacity of the Congolese parties to investigate all serious violations of international humanitarian law and human rights perpetrated on the territory of the Democratic Republic of the Congo since the beginning of the conflict in August 1998, and also requests the Secretary-General, in consultation with the High Commissioner, to make recommendations to the Security Council on other ways to help the transitional government in the Democratic Republic of the Congo to address the issue of impunity;
8. *Expresses its deep concern* over the heavy fighting in Bunia, demands that all parties to the conflict in Ituri immediately cease the hostilities and that all parties sign an unconditional ceasefire agreement, stresses that they must cooperate with the Mission to set up without further delay the Ituri Pacification Commission, and also stresses that the necessary steps must be taken to restore public order in Bunia, in accordance with the agreements reached among the Congolese parties and within the framework of the Commission;
9. *Requests* the Secretary-General to increase the presence of the Mission in the Ituri area, as security conditions permit, in particular military observers and human rights personnel to monitor developments on the ground, including the use of airfields in the Ituri area, and also requests the Mission to provide further support and assistance to humanitarian efforts, as well as to facilitate the formation of the Ituri Pacification Commission and to assist the work of the

Commission as consistent with the current mandate of the Mission, in consultation with all Congolese parties to the conflict;

10. *Encourages* the Mission in its efforts to consult with the relevant parties on possible options for addressing the immediate security situation in the Ituri area, and requests that the Mission keep the Council informed of its efforts in this regard;

11. *Demands* that all Governments in the Great Lakes region immediately cease military and financial support to all parties engaged in armed conflict in the Ituri region, stresses the need for all Congolese parties, including the Government of the Democratic Republic of the Congo, to respect their commitments under the Ceasefire Agreement signed at Lusaka on 10 July 1999,<sup>20</sup> as well as the Kampala plan and the Harare sub-plans for disengagement and redeployment, and reiterates that all foreign troops must be withdrawn from the territory of the Democratic Republic of the Congo;

12. *Calls upon* the Government of Uganda to complete the withdrawal of all its troops without further delay and, in this regard, expresses its concern that the commitment of that Government to withdraw by 20 March 2003 has not been met, and concerned also at the statement of 14 March 2003 issued by the Ministry for Foreign Affairs and Regional Cooperation of Rwanda, calls upon the Government of Rwanda not to return any forces to the territory of the Democratic Republic of the Congo, and stresses that any renewal of the strengthening of a foreign military presence on the territory of the Democratic Republic of the Congo would be unacceptable and would undermine the progress achieved thus far in the peace process;

13. *Expresses its deep concern* at the rising tensions between Rwanda and Uganda and their proxies on the territory of the Democratic Republic of the Congo, and stresses that the governments of those two countries must take steps to build mutual confidence, must settle their concerns through peaceful means, and without any interference in Congolese affairs, and must refrain from any action that could undermine the peace process;

14. *Demands* that all parties to the conflict in the Democratic Republic of the Congo, and in particular in Ituri, ensure the security of civilian populations and grant to the Mission and to humanitarian organizations full and unimpeded access to the populations in need;

15. *Reiterates* the demand expressed in its resolution 1460 (2003) of 30 January 2003 that all parties to the conflict provide information without delay on steps they have taken to halt the recruitment or use of children in armed conflict, in violation of the international obligations applicable to them, as well as its demands with regard to the protection of children contained in its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001 and 1460 (2003);

16. *Recalls* its demand that full and unimpeded access be granted to the Mission and the Third Party Verification Mechanism so that they could verify the implementation of the Peace Agreement signed at Pretoria on 30 July 2002 and investigate the allegations of the presence of Rwandan troops on the territory of the Democratic Republic of the Congo, as well as allegations of support by the Government of the Democratic Republic of the Congo to the armed groups in the east of the country, reiterates that both would be unacceptable and would undermine the continuation of the peace process, and stresses that any ongoing military activity in the east of the Democratic Republic of the Congo has a detrimental effect on Mission operations of disarmament, demobilization, repatriation, reintegration or resettlement of armed groups;

17. *Requests* that the Mission report as soon as possible to the Council on the results of its investigations referred to in paragraph 16 above;

18. *Expresses its support* to the broad orientations set out by the Secretary-General in paragraph 59 of his last report on the role of the Mission in support of the peace process,<sup>33</sup> and expresses its intention to consider his recommendations in this regard;

19. *Reiterates its full support* for the Mission and the efforts it continues to deploy to help the parties in the Democratic Republic of the Congo and in the region to advance their peace process, and stresses the importance of the Mission moving forward with its phase III deployment, in accordance with resolution 1445 (2002) of 4 December 2002;

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

*Adopted unanimously at the 4723rd meeting.*

### **Decisions**

At its 4756th meeting, on 16 May 2003, the Security Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in the discussion of the item entitled “The situation concerning the Democratic Republic of the Congo”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>34</sup>

“The Security Council condemns the recent killings, violence and other human rights violations and atrocities in Bunia, as well as the attacks against the United Nations Organization Mission in the Democratic Republic of the Congo and the internally displaced persons who have sought refuge at the Mission premises, and reiterates that there will be no impunity for such acts and that the perpetrators will be held accountable. It demands that all hostilities in Ituri cease immediately. The fighting is unacceptable. It threatens the stability of the Ituri area and severely undermines the continuation of the peace process and the establishment of the Transitional National Government.

“The Council fully supports the work initiated by the Ituri Pacification Commission, established by the Luanda Agreement of 6 September 2002,<sup>17</sup> under which the Ituri interim administration was formed, encourages donors to provide additional funding and emphasizes that it is up to the various Congolese parties in Ituri to pursue an effective, inclusive political and security mechanism in this framework.

“The Council welcomes the Agreement on the Engagement to Relaunch the Ituri Pacification Process, signed in Dar es Salaam on 16 May 2003, and calls upon the parties to implement it fully and without delay.

“The Council calls upon all parties in the region to end all support to armed groups and to refrain from any action that might compromise the restoration of peace in Ituri, in particular the work of the Ituri interim administration, and reaffirms its strong commitment to the sovereignty of the Democratic Republic of the Congo over all its territory.

“The Council expresses its concern at the deteriorating humanitarian situation in Bunia and demands that all parties grant full and unimpeded access for humanitarian aid and guarantee the safety and security of humanitarian personnel. It also calls upon the donor community to continue to support the humanitarian organizations.

“The Council pays tribute to the work that has been achieved by the staff and contingents of the Mission in Ituri, in very difficult conditions, and fully supports them.

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<sup>34</sup> S/PRST/2003/6.

“The Council welcomes the efforts by the Secretary-General to address the urgent humanitarian and security situation in Bunia, including options for sending an emergency international force, and encourages him to complete consultations to this end as a matter of urgency.

“The Council demands that all Congolese parties and regional States involved in the conflict in the Democratic Republic of the Congo refrain from any action that could undermine the possible deployment of an international force, and support the deployment.”

On 21 May 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>35</sup>

“I have the honour to inform you that the members of the Security Council have decided to send a mission to Central Africa from 7 to 16 June 2003, which will be led by Ambassador Jean-Marc de La Sablière. The members of the Council have agreed on the terms of reference of the mission, a copy of which is enclosed herewith (see annex).

“Following consultations with the members, it has been agreed that the composition of the mission is as follows:

“France (Ambassador Jean-Marc de La Sablière, head of mission)

“Angola (Ambassador Ismael Abraão Gaspar Martins)

“Bulgaria (Ambassador Stefan Tafrov)

“Cameroon (Ambassador Martin Chungong Ayafor)

“Chile (Ambassador Cristián Maquieira)

“China (Ambassador Zhang Yishan)

“Germany (Minister Michael Freiherr von Ungern-Sternberg)

“Guinea (Minister Counsellor Boubacar Diallo)

“Mexico (Minister María Angélica Arce de Jeannet)

“Pakistan (Ambassador Masood Khalid)

“Russian Federation (Ambassador Alexander V. Konuzin)

“Spain (Ambassador Ana María Menéndez)

“Syrian Arab Republic (Minister Counsellor Fayssal Mekdad)

“United Kingdom of Great Britain and Northern Ireland (Ambassador Adam Thomson)

“United States of America (Ambassador John D. Negroponte)

“I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

“Annex

“Terms of reference of the Security Council mission to Central Africa

“Democratic Republic of the Congo

“In general, the mission will emphasize to all its interlocutors the need to take the peace process forward. On this condition all, in the Democratic Republic of the Congo and in the region, may benefit from the strong support that the international community, in particular the Council, is ready to provide. The mission will accordingly invite the Congolese parties to work resolutely to implement their commitments within the framework of the Inter-Congolese Dialogue. It will clearly remind the Congolese parties and the neighbours of the Democratic Republic of the Congo of the expectations of the Council and of their obligations: complete cessation of hostilities; respect for human rights, humanitarian

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<sup>35</sup> S/2003/558.

law and the welfare of the civilian population; economic cooperation and other confidence-building measures; withdrawal of foreign forces; no interference; cessation of support to armed groups; cessation of the plundering of the natural resources; and access for the United Nations Organization Mission in the Democratic Republic of the Congo to all parts of the territory. The mission will also press all parties to carry out fully their obligations under relevant Council resolutions, including their specific obligations to demilitarize Kisangani, to ensure the complete reopening of the Congo River to civilian traffic and to provide humanitarian organizations with full access to populations in need.

“The mission will stress to the Congolese parties and to the States in the region the value of making progress towards the convening of the proposed international conference on peace, security, democracy and development in the Great Lakes region.

**“Transition in the Democratic Republic of the Congo**

“The mission might stress:

“(a) The need for all Congolese parties to work for the satisfactory functioning of the Transitional Government, and for national reconciliation, reunification of the territory and cessation of hostilities;

“(b) The desire of the United Nations system and the Bretton Woods institutions to enhance the capacity of the future Transitional Government to ensure legal and transparent exploitation of the natural resources of the Democratic Republic of the Congo for the benefit of the Congolese people and to put an end to the repeated plundering described by the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo;

“(c) The priority to be given by the Transitional Government to the establishment of institutions responsible for security and law and order (army, police and judiciary);

“(d) The necessity for the Transitional Government to support local initiatives for pacification and reconciliation (Ituri, the Kivus).

**“Role of the United Nations Organization Mission in the Democratic Republic of the Congo**

“On the basis of the report of the Secretary-General on adjusting the concept of the United Nations Organization Mission in the Democratic Republic of the Congo,<sup>36</sup> the Council mission will evaluate:

“(a) Requirements for taking forward the indispensable process of the disarmament, demobilization, repatriation, resettlement and reintegration of the foreign armed groups;

“(b) The support of the Mission, in collaboration with bilateral partners, in building Congolese security capacities;

“(c) Ways and means for the Mission to assist, in collaboration with other entities of the United Nations and the wider international community, in ensuring security in Kinshasa, the establishment of law and order, the restoration of stability and respect for human rights throughout the country, in particular in Ituri and the Kivus;

“(d) The issue of mutual security for the Democratic Republic of the Congo and its neighbours, in particular in border areas, and the scope for any possible contribution by the Mission to addressing this matter;

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<sup>36</sup> S/2002/1005.

“(e) The cooperation of the parties with the Mission and United Nations humanitarian agencies, especially with regard to freedom of movement and unimpeded access;

“(f) Other possible areas of the Mission support for the transition.

**“Burundi**

“The mission will express the support of the Security Council for the second phase of the transition and for the new President, the regional mediators and the African peacekeeping mission, as well as the Arusha Agreement Implementation Monitoring Committee and the Joint Ceasefire Commission.

“The mission will assess what could be the relationship between the United Nations and the African peacekeeping mission.

“With all the political parties and armed groups, the mission will stress that:

“(a) There is no alternative to the path laid out in the Arusha peace process;

“(b) Signing peace and ceasefire agreements is not the end state and that there is now a need to work with the new President and the Transitional Government to implement those agreements;

“(c) There is a need for the Burundian parties to engage actively in dialogue in order to agree upon the difficult issues of disarmament, demobilization and reintegration and security-sector reform.”

On 22 May 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>37</sup>

“I have the honour to inform you that your letter dated 16 May 2003 concerning your intention to appoint Mr. William Lacy Swing, of the United States of America, as your Special Representative for the Democratic Republic of the Congo, effective 1 July 2003,<sup>38</sup> has been brought to the attention of the members of the Security Council. They take note of the information and intention contained in your letter.”

At its 4764th meeting, on 30 May 2003, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in the discussion of the item entitled “The situation concerning the Democratic Republic of the Congo”.

**Resolution 1484 (2003)  
of 30 May 2003**

*The Security Council,*

*Recalling* its resolutions and the statements by its President on the Democratic Republic of the Congo, in particular the statement of 16 May 2003,<sup>34</sup>

*Determined* to promote the peace process at the national level, in particular to facilitate the early establishment of an inclusive Transitional Government in the Democratic Republic of the Congo,

*Expressing its utmost concern* at the fighting and atrocities in Ituri, as well as the gravity of the humanitarian situation in the town of Bunia,

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<sup>37</sup> S/2003/563.

<sup>38</sup> S/2003/562.



*Reaffirming its full support* for the political process initiated by the Ituri Pacification Commission, calling for its swift resumption and for the establishment of an effective, inclusive security mechanism within this framework, to complement and support the existing Ituri interim administration,

*Recognizing* the urgent need for a secure base to allow the full functioning of the institutions of the Ituri interim administration, and recognizing that the Agreement on the Engagement to Relaunch the Ituri Pacification Process, signed in Dar es Salaam on 16 May 2003, reaffirms the commitment of the Ituri parties to the Ituri interim administration, and commits them to join a process of cantonment and demilitarization,

*Commending* the United Nations Organization Mission in the Democratic Republic of the Congo for its efforts to stabilize the situation in Bunia and to support the political process in Ituri, in particular the effective performance of the Uruguayan contingent deployed there, recognizing the need to support the work of the Mission in the field, and deploring attacks on the Mission and the consequent loss of life,

*Taking note* of the request of the Secretary-General addressed to the Security Council in his letter dated 15 May 2003,<sup>39</sup> and taking note also of the support for this request expressed in the letter to the Secretary-General from the President of the Democratic Republic of the Congo, and also by the Ituri parties on 16 May 2003 in Dar es Salaam, as well as the support expressed in the letters to the Secretary-General from the President of the Rwandese Republic and from the Minister of State for Foreign Affairs of Uganda, as requested by the Secretary-General, for the deployment of a multinational force in Bunia,

*Determining* that the situation in the Ituri region, in Bunia in particular, constitutes a threat to the peace process in the Democratic Republic of the Congo and to peace and security in the Great Lakes region,

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

1. *Authorizes* the deployment, until 1 September 2003, of an Interim Emergency Multinational Force in Bunia in close coordination with the United Nations Organization Mission in the Democratic Republic of the Congo, in particular its contingent currently deployed in the town, to contribute to the stabilization of the security conditions and the improvement of the humanitarian situation in Bunia, to ensure the protection of the airport and of the internally displaced persons in the camps in Bunia and, if the situation requires it, to contribute to the safety of the civilian population, United Nations personnel and the humanitarian presence in the town;

2. *Stresses* that this Multinational Force is to be deployed on a strictly temporary basis to allow the Secretary-General to reinforce the presence of the Mission in Bunia, and in this regard authorizes the Secretary-General to deploy, within the overall ceiling authorized for the Mission, a reinforced United Nations presence to Bunia, and requests him to do so by mid-August 2003;

3. *Calls upon* Member States to contribute personnel, equipment and other necessary financial and logistic resources to the Multinational Force, and invites contributing Member States to so inform the leadership of the Force and the Secretary-General;

4. *Authorizes* the Member States participating in the Multinational Force in Bunia to take all necessary measures to fulfil its mandate;

5. *Demands* that all parties to the conflict in Ituri, in particular in Bunia, cease hostilities immediately, and reiterates that international humanitarian law must be respected and that there will be no impunity for violators;

6. *Strongly condemns* the deliberate killing of unarmed personnel of the Mission and staff of humanitarian organizations in Ituri, and demands that the perpetrators be brought to justice;

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<sup>39</sup> S/2003/574.

7. *Demands* that all Congolese parties and all States in the Great Lakes region respect human rights, cooperate with the Multinational Force and with the Mission in the stabilization of the situation in Bunia and provide assistance, as appropriate, that they provide full freedom of movement to the Force and that they refrain from any military activity or from any activity that could further destabilize the situation in Ituri, and in this regard demands also the cessation of all support, in particular weapons and any other military materiel, to the armed groups and militias, and demands further that all Congolese parties and all States in the region actively prevent the supply of such support;

8. *Calls upon* all Member States, in particular those in the Great Lakes region, to provide all necessary support to facilitate the swift deployment in Bunia of the Multinational Force;

9. *Requests* the leadership of the Multinational Force in Bunia to report regularly to the Security Council, through the Secretary-General, on the implementation of its mandate;

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

*Adopted unanimously at the 4764th meeting.*

### **Decision**

At its 4780th meeting, on 26 June 2003, the Security Council considered the item entitled:

“The situation concerning the Democratic Republic of the Congo

“Second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/566 and Corr.1)”.

### **Resolution 1489 (2003) of 26 June 2003**

*The Security Council,*

*Recalling* its resolution 1291 (2000) of 24 February 2000 and other relevant resolutions concerning the United Nations Organization Mission in the Democratic Republic of the Congo, especially resolutions 1468 (2003) of 20 March 2003 and 1484 (2003) of 30 May 2003,

*Reaffirming its commitment* to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all States of the region,

*Deeply concerned* over the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, in particular in the province of North Kivu,

*Taking note* of the second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, of 27 May 2003, and the recommendations contained therein,<sup>40</sup>

*Reaffirming its readiness* to support the peace and national reconciliation process, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo, in accordance with resolution 1291 (2000),

1. *Decides* to extend the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo until 30 July 2003;

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

*Adopted unanimously at the 4780th meeting.*

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<sup>40</sup> S/2003/566 and Corr.1.

### Decisions

At its 4784th meeting, on 7 July 2003, the Security Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in the discussion of the item entitled:

“The situation concerning the Democratic Republic of the Congo

“Letter dated 25 June 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/674)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and Mr. Bertrand Gangapersaud Ramcharan, United Nations Deputy High Commissioner for Human Rights and Officer-in-Charge of the Office of the High Commissioner for Human Rights.

At its 4790th meeting, on 18 July 2003, the Council decided to invite the representatives of Bangladesh, Brazil, the Democratic Republic of the Congo, Egypt, Indonesia, Italy, Japan, Nepal, the Philippines, Rwanda and South Africa to participate, without vote, in the discussion of the item entitled “The situation concerning the Democratic Republic of the Congo”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and Mr. Amos Namanga Ngongi, former Special Representative of the Secretary-General for the Democratic Republic of the Congo.

At the same meeting, in response to the request dated 14 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council,<sup>41</sup> the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Javier Solana, Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union.

At its 4797th meeting, on 28 July 2003, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in the discussion of the item entitled:

“The situation concerning the Democratic Republic of the Congo

“Second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/566 and Corr.1)”.

### Resolution 1493 (2003) of 28 July 2003

*The Security Council,*

*Recalling* its resolutions and the statements by its President concerning the Democratic Republic of the Congo,

*Reaffirming its commitment* to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all the States of the region,

*Reaffirming* the obligations of all States to refrain from the use of force against the territorial integrity and political independence of any State or in any other manner incompatible with the purposes and principles of the United Nations,

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<sup>41</sup> Document S/2003/709, incorporated in the record of the 4790th meeting.

*Concerned* by the continued illegal exploitation of the natural resources of the Democratic Republic of the Congo, and reaffirming in this regard its commitment to respect for the sovereignty of the Democratic Republic of the Congo over its natural resources,

*Welcoming* the conclusion of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002, and the subsequent establishment of the Government of National Unity and Transition,

*Deeply concerned* by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and in Ituri, and by the grave violations of human rights and international humanitarian law that accompany them,

*Recalling* that it is incumbent upon all parties to cooperate in the overall deployment of the United Nations Organization Mission in the Democratic Republic of the Congo,

*Renewing its support* to the Interim Emergency Multinational Force deployed in Bunia, and stressing the need to ensure effective and timely replacement of the Force, as requested in resolution 1484 (2003) of 30 May 2003, to contribute in the best way to the stabilization of Ituri,

*Taking note* of the second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, of 27 May 2003, and of the recommendations contained therein,<sup>40</sup>

*Taking note also* of the report of the Security Council mission to Central Africa, of 17 June 2003,<sup>42</sup>

*Noting* that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

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

1. *Expresses satisfaction* at the promulgation, on 4 April 2003, of the Transitional Constitution in the Democratic Republic of the Congo and at the formation, announced on 30 June 2003, of the Government of National Unity and Transition, encourages the Congolese parties to take the necessary decisions in order to allow the transitional institutions to begin functioning effectively, and encourages them also in this regard to include representatives of the interim institutions that emerged from the Ituri Pacification Commission in the transitional institutions;

2. *Decides* to extend the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo until 30 July 2004;

3. *Notes with appreciation* the recommendations contained in the second special report of the Secretary-General,<sup>40</sup> and authorizes increasing the military strength of the Mission to 10,800 personnel;

4. *Requests* the Secretary-General to ensure through his Special Representative for the Democratic Republic of the Congo, who convenes the International Committee in support of the Transition, the coordination of all the activities of the United Nations system in the Democratic Republic of the Congo and to facilitate coordination with other national and international actors of activities in support of the transition;

5. *Encourages* the Mission, in coordination with United Nations agencies, donors and non-governmental organizations, to provide assistance during the transition period for the reform of the security forces, the re-establishment of a State based on the rule of law and the preparation and holding of elections, throughout the territory of the Democratic Republic of the Congo, and

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<sup>42</sup> S/2003/653.

welcomes in this regard the efforts of the Member States to support the transition and national reconciliation;

6. *Approves* the temporary deployment of Mission personnel intended, during the first months of the establishment of the transitional institutions, to participate in a multi-layer security system in Kinshasa in accordance with paragraphs 35 to 38 of the second special report of the Secretary-General, approves also the reconfiguration of the civilian police component of the Mission as outlined in paragraph 42 of that report, and encourages the Mission to continue to support police development in areas of urgent need;

7. *Encourages* donors to support the establishment of an integrated Congolese police unit and approves the provision by the Mission of the additional assistance that might be needed for its training;

8. *Strongly condemns* the acts of violence systematically perpetrated against civilians, including the massacres, as well as other atrocities and violations of international humanitarian law and human rights, in particular sexual violence against women and girls, stresses the need to bring to justice those responsible, including those at the command level, and urges all parties, including the Government of the Democratic Republic of the Congo, to take all necessary steps to prevent further violations of human rights and international humanitarian law, in particular those committed against civilians;

9. *Reaffirms* the importance of a gender perspective in peacekeeping operations in accordance with resolution 1325 (2000) of 31 October 2000, recalls the need to address violence against women and girls as a tool of warfare, and in this respect encourages the Mission to continue to actively address this issue, and calls upon the Mission to increase the deployment of women as military observers as well as in other capacities;

10. *Reaffirms also* that all Congolese parties have an obligation to respect human rights, international humanitarian law and the security and well-being of the civilian population;

11. *Urges* the Government of National Unity and Transition to ensure that the protection of human rights and the establishment of a State based on the rule of law and of an independent judiciary are among its highest priorities, including the establishment of the necessary institutions as reflected in the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, encourages the Secretary-General, through his Special Representative, and the United Nations High Commissioner for Human Rights to coordinate their efforts, in particular to assist the transitional authorities of the Democratic Republic of the Congo in order to put an end to impunity, and encourages also the African Union to play a role in this regard;

12. *States that it is profoundly preoccupied* by the humanitarian situation throughout the country, in particular in the eastern regions, and demands that all parties guarantee the security of the civilian population, thereby enabling the Mission and humanitarian organizations to have total, unrestricted and immediate access to the population groups in need;

13. *Strongly condemns* the continued recruitment and use of children in the hostilities in the Democratic Republic of the Congo, especially in North and South Kivu and in Ituri, and reiterates the request addressed to all parties in Security Council resolution 1460 (2003) of 30 January 2003 to provide the Special Representative of the Secretary-General with information on the measures they have taken to put an end to the recruitment and use of children in their armed components, as well as the requests concerning the protection of children set forth in resolution 1261 (1999) of 25 August 1999 and subsequent resolutions;

14. *Strongly condemns also* the continuing armed conflict in the eastern part of the Democratic Republic of the Congo, especially the serious ceasefire violations that occurred recently in North and South Kivu, including in particular the offensives by the Rassemblement congolais pour la démocratie-Goma, demands that all parties, in compliance with the Acte d'Engagement for the cessation of hostilities in the eastern and north-eastern Democratic Republic of the Congo, signed in Bujumbura on 19 June 2003, establish without delay or precondition the

full cessation of hostilities and withdraw to the positions agreed to in the Kampala plan and the Harare sub-plans for disengagement and redeployment, and that they refrain from any provocative action;

15. *Demands* that all parties desist from any interference with freedom of movement of United Nations personnel, recalls that all parties have the obligation to provide full and unhindered access to the Mission to allow it to carry out its mandate, and asks the Special Representative of the Secretary-General to report any failure to comply with this obligation;

16. *Expresses concern* at the fact that the continuing hostilities in the eastern part of the Democratic Republic of the Congo are seriously compromising Mission action in the process of the disarmament, demobilization, repatriation, reintegration or resettlement of the foreign armed groups referred to in chapter 9.1 of annex A to the Ceasefire Agreement signed at Lusaka on 10 July 1999,<sup>20</sup> urges all parties concerned to cooperate with the Mission, and underscores the importance of making rapid and appreciable progress in that process;

17. *Authorizes* the Mission to assist the Government of National Unity and Transition in disarming and demobilizing those Congolese combatants who may voluntarily decide to enter the disarmament, demobilization and reintegration process within the framework of the Multi-Country Demobilization and Reintegration Programme, pending the establishment of a national disarmament, demobilization and reintegration programme in coordination with the United Nations Development Programme and other agencies concerned;

18. *Demands* that all States, in particular those in the region, including the Democratic Republic of the Congo, ensure that no direct or indirect assistance, especially military or financial assistance, is given to the movements and armed groups present in the Democratic Republic of the Congo;

19. *Demands also* that all parties provide full access to military observers from the Mission, including in ports, airports, airfields, military bases and border crossings, and requests the Secretary-General to deploy military observers from the Mission in North and South Kivu and in Ituri and to report to the Council regularly on the position of the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in that region;

20. *Decides* that all States, including the Democratic Republic of the Congo, shall, for an initial period of twelve months from the adoption of the present resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-Inclusive Agreement, in the Democratic Republic of the Congo;

21. *Decides also* that the measures imposed by paragraph 20 above shall not apply to:

(a) Supplies to the Mission, the Interim Emergency Multinational Force deployed in Bunia and the integrated Congolese national army and police forces;

(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General through his Special Representative;

22. *Decides further* that, at the end of the initial twelve months, the Council will review the situation in the Democratic Republic of the Congo, in particular in the eastern part of the country, with a view to renewing the measures stipulated in paragraph 20 above if no significant progress has been made in the peace process, in particular an end to support for armed groups, an effective ceasefire and progress in the disarmament, demobilization, repatriation, reintegration or resettlement by foreign and Congolese armed groups;

23. *Expresses its determination* closely to monitor compliance with the measures laid down in paragraph 20 above and to consider steps that are necessary to ensure the effective monitoring and implementation of those measures, including the possible establishment of a monitoring mechanism;

24. *Urges* the States neighbouring the Democratic Republic of the Congo, particularly Rwanda and Uganda, which have an influence over movements and armed groups operating in the territory of the Democratic Republic of the Congo, to exercise a positive influence on them to settle their disputes by peaceful means and join in the process of national reconciliation;

25. *Authorizes* the Mission to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities:

(a) To protect United Nations personnel, facilities, installations and equipment;

(b) To ensure the security and freedom of movement of its personnel, including in particular those engaged in missions of observation, verification or disarmament, demobilization, repatriation, reintegration or resettlement;

(c) To protect civilians and humanitarian workers under imminent threat of physical violence;

(d) To contribute to the improvement of the security conditions in which humanitarian assistance is provided;

26. *Also authorizes* the Mission to use all necessary means to fulfil its mandate in the Ituri district and, as it deems it within its capabilities, in North and South Kivu;

27. *Requests* the Secretary-General to deploy in the Ituri district, as soon as possible, the tactical brigade-size force whose concept of operations is set out in paragraphs 48 to 54 of his second special report, including the reinforced presence of the Mission in Bunia, by mid-August 2003 as requested in resolution 1484 (2003), particularly with a view to helping to stabilize the security conditions, improving the humanitarian situation, ensuring the protection of airfields and displaced persons living in camps and, if the circumstances warrant it, helping to ensure the security of the civilian population and the personnel of the United Nations and the humanitarian organizations in Bunia and its environs and eventually, as the situation permits, in other parts of Ituri;

28. *Condemns categorically* the illegal exploitation of the natural resources and other sources of wealth of the Democratic Republic of the Congo, and expresses its intention to consider means that could be used to end it, awaits with interest the report to be submitted shortly by the Panel of Experts on such illegal exploitation and on the link that exists between it and the continuation of hostilities, and demands that all parties and interested States offer full cooperation to the Panel;

29. *Encourages* the Governments of the Democratic Republic of the Congo, Rwanda, Uganda and Burundi to take steps to normalize their relations and to cooperate in ensuring mutual security along their common borders, and invites these Governments to conclude good-neighbourly agreements among themselves;

30. *Reaffirms* that an international conference on peace, security, democracy and development in the Great Lakes region of Africa, with the participation of all the Governments of the region and all other parties concerned, should be organized at the appropriate time under the aegis of the United Nations and the African Union, with a view to strengthening stability in the region and working out conditions that will enable everyone to enjoy the right to live peacefully within national borders;

31. *Reiterates its support unreservedly* for the Special Representative of the Secretary-General and for all Mission personnel, and for the efforts they continue to make to assist the parties in the Democratic Republic of the Congo and in the region to advance the peace process;

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

*Adopted unanimously at the 4797th meeting.*

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## THE SITUATION IN GUINEA-BISSAU<sup>43</sup>

### Decisions

On 9 August 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>44</sup>

“I have the honour to inform you that your letter dated 5 August 2002 concerning your proposal that the current mandate of the United Nations Peace-building Support Office in Guinea-Bissau, which expires on 31 December 2002, be extended to 31 December 2003<sup>45</sup> has been brought to the attention of the members of the Security Council. They take note of the proposal contained in your letter.”

On 5 May 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>46</sup>

“I have the honour to inform you that the members of the Security Council have decided to send a mission to the West African subregion from 15 to 23 May 2003. The members have agreed upon the terms of reference of the mission, a copy of which is enclosed herewith (see annex).

“I should be grateful if you would have this letter and the annex thereto circulated as a document of the Security Council.

### “Annex

#### “Security Council mission to West Africa: objectives

#### “Regional

“Demonstrate continuing Security Council interest in the subregion

“Encourage more cooperation among countries of the subregion (e.g., the Mano River Union and the Economic Community of West African States); assess follow-up to the summit meeting of the Mano River Union Presidents held in Rabat on 27 February 2002; and identify any obstacles to improved cooperation

“Review the activities of the Office of the Special Representative of the Secretary-General for West Africa

“Examine the links between the conflicts in Liberia, Côte d’Ivoire and Sierra Leone and their impact on neighbouring countries (including mercenaries, arms trafficking and refugees)

“Assess progress towards achieving the objectives of the Council regarding the protection of civilians and children affected by armed conflict

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<sup>43</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1998, 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>44</sup> S/2002/917.

<sup>45</sup> S/2002/916.

<sup>46</sup> S/2003/525.



“Emphasize the need for all countries to respect their obligations with regard to human rights and international humanitarian law

**“Sierra Leone**

“Assess the success of the United Nations Mission in Sierra Leone in building security in Sierra Leone and its impact on the protection of civilians

“Assess progress in the drawdown of the Mission and the ability of the Sierra Leone police and armed forces to provide security as it withdraws

“Assess the transition from peacekeeping to longer-term development

“Examine how the Special Court and the Truth and Reconciliation Commission are addressing justice and reconciliation

**“Liberia**

“Urge the Government of Liberia and Liberians United for Reconciliation and Democracy and any other armed rebel groups to engage in ceasefire negotiations and to implement Security Council resolutions

“Call upon the Government of Liberia to enhance its cooperation with neighbouring countries

“Assess how the Government has responded to the proposals of the Council for resolving the crisis, including an assessment of the chances of free and fair elections

“Assess the impact and effectiveness of the United Nations Peace-building Office in Liberia, how it works with the operational parts of the United Nations country team, and the expectations of the Government of Liberia with regard to the new mandate of the Office

**“Côte d’Ivoire**

“Urge all parties to respect fully all the provisions of the ceasefire

“Urge the Government and all the parties to implement fully the Linas-Marcoussis Agreement<sup>47</sup>

“Discuss with the Special Representative of the Secretary-General, Mr. Albert Tevoedjre, progress with regard to the United Nations Mission in Côte d’Ivoire

“Emphasize the need for respect for human rights by all parties

“Consider how to tackle the problem of insecurity in western Côte d’Ivoire

**“Guinea-Bissau**

“Urge the Government and President Kumba Yalá to ensure that the forthcoming elections are conducted in a transparent, fair and credible manner and to take the necessary confidence-building steps required of them

“Urge the Government to endorse the partnership approach defined by the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau”.

At its 4776th meeting, on 19 June 2003, the Council decided to invite the representatives of the Gambia and Guinea-Bissau to participate, without vote, in the discussion of the item entitled:

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<sup>47</sup> S/2003/99, annex.

“The situation in Guinea-Bissau

“Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country (S/2003/621)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. David Stephen, Representative of the Secretary-General and Head of the United Nations Peace-building Support Office in Guinea-Bissau, and Mr. Dumisani Kumalo, Chairman of the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>48</sup>

“The Security Council, recalling its previous statements on Guinea-Bissau, including the statement by its President of 29 November 2000,<sup>49</sup> having considered the report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country,<sup>50</sup> and anticipating the Council mission to Guinea-Bissau, expresses its concern with regard to the fragile political situation in Guinea-Bissau, to the persistent economic and social crisis and to continuing disturbing information regarding the human rights situation. It urges the leaders of the country, and the international community, to work more purposefully together to ensure that the development, humanitarian and peace-building agendas are quickly put back on track.

“The Council appeals to the President and the Government of Guinea-Bissau to organize effectively and in a timely manner the forthcoming legislative elections and to ensure that these elections are conducted in a transparent, fair and credible manner, in accordance with the Constitution and the electoral laws. It is the expectation of the Council that neither candidates nor political parties will be subjected to violence and intimidation and that the presence of international observers at these elections will be acceptable to all parties. The Council also expresses the hope that, following the successful conduct of the elections, the Government will embark upon additional concrete measures to show further proof of its commitment to democracy and the rule of law by promulgating the new Constitution and by having the President and Vice-President of the Supreme Court duly elected without further delay.

“The Council calls upon the Government of Guinea-Bissau to take the necessary steps to facilitate a constructive dialogue with the international community and the Bretton Woods institutions and to endorse fully the partnership approach defined by the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau.

“The Council appeals to the donor community to contribute financially to the implementation of the political and economic process in Guinea-Bissau, including necessary support for the legislative elections.

“The Council expresses its concern with regard to the situation of human rights and civil liberties and urges the Government of Guinea-Bissau to take the necessary measures in order to improve this situation. It stresses the importance of full respect for freedom of speech and freedom of the press.

“The Council acknowledges the importance of the regional dimension in the solution of the problems faced by Guinea-Bissau and, in that regard, calls upon the Economic

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<sup>48</sup> S/PRST/2003/8.

<sup>49</sup> S/PRST/2000/37.

<sup>50</sup> S/2003/621.

Community of West African States and the Organization of Portuguese-Speaking African Countries to further strengthen their involvement, and expresses its intention to intensify its cooperation with these organizations.

“The Council welcomes the willingness of President Kumba Yalá to host negotiations on the issue of Casamance and appeals to him to continue to cooperate constructively with the Government of Senegal in order to contribute to a solution of this issue.

“The Council recognizes and commends the important role played by the Representative of the Secretary-General as well as by the United Nations country team towards helping to consolidate peace, democracy and the rule of law, and expresses its appreciation for their activities.

“The Council expresses its full support to the forthcoming mission to Guinea-Bissau, which will be led by the Permanent Representative of Mexico to the United Nations and will be the first part of an overall mission to West Africa, and looks forward to its conclusions and recommendations.

“The Council expresses its intention to keep the situation in Guinea-Bissau under regular review.”

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## ITEMS RELATING TO THE SITUATION IN THE CENTRAL AFRICAN REPUBLIC

### A. The situation in the Central African Republic<sup>51</sup>

#### Decisions

On 12 August 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>52</sup>

“I have the honour to inform you that, as you had requested, your letter dated 6 August 2002 concerning your proposal to extend the mandate of the United Nations Peace-building Support Office in the Central African Republic, which expires on 31 December 2002, for an additional year until 31 December 2003<sup>53</sup> has been brought to the attention of the members of the Security Council. They take note of the proposal contained in your letter.”

At its 4627th meeting, on 18 October 2002, the Council decided to invite the representative of the Central African Republic to participate, without vote, in the discussion of the item entitled “The situation in the Central African Republic”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>54</sup>

“The Security Council welcomes the holding of the Summit of the Central African Economic and Monetary Community, in Libreville on 2 October 2002, to consider the situation between the Central African Republic and the Republic of Chad. It commends the leading role played by the President of the Gabonese Republic, El Hadj Omar Bongo, in

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<sup>51</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1997 to 2001 and during the period from 1 January to 31 July 2002.

<sup>52</sup> S/2002/930.

<sup>53</sup> S/2002/929.

<sup>54</sup> S/PRST/2002/28.

organizing that meeting. It welcomes the undertaking by the Central African Republic and Chad to relaunch cooperation at various levels. It strongly supports the intention of the President of the Republic of Chad to visit Bangui in the very near future. It encourages further confidence-building measures to help to normalize relations between the two countries.

“The Council also welcomes the readiness expressed by the African Union to continue to contribute towards ongoing efforts to normalize relations between the Central African Republic and Chad and to promote peace and stability in the Central African region, as stipulated in the Communiqué of the Eighty-Fifth Ordinary Session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution held at the Ambassadorial Level, which was issued on 11 October 2002 in Addis Ababa.

“The Council further welcomes the final communiqué of the Libreville summit.<sup>55</sup> In particular, it expresses its full support for the decision to deploy in the Central African Republic an International Observation Force of 300 to 350 troops from Gabon, Cameroon, the Congo, Equatorial Guinea and Mali, with three main tasks: ensuring the safety of the President of the Central African Republic; observing and ensuring security on the border between Chad and the Central African Republic; and participating in the restructuring of the Central African Armed Forces.

“The Council expresses once again its strong support for the Representative of the Secretary-General for the Central African Republic, General Lamine Cissé, whose efforts have been essential in this initiative. It encourages him to continue to provide advice to the Governments taking part in it.

“The Council calls upon Member States participating in the Force to work in close consultation with the Representative of the Secretary-General and the United Nations Peacebuilding Support Office in the Central African Republic. It requests the Secretary-General, through his Representative, to establish appropriate liaison with the Force.

“The Council encourages all Member States to provide financial, logistical and material support to the Member States participating in the Force.

“The Council invites the leadership of the Force to provide periodic reports, at least once every three months.”

At its 4658th meeting, held in private on 9 December 2002, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4658th meeting, held in private on 9 December 2002, the Security Council considered the item entitled ‘The situation in the Central African Republic’.

“The President, with the consent of the Council, invited the Prime Minister of the Central African Republic, Mr. Martin Ziguele, to participate in the discussion of the item, without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

“The members of the Council and the Prime Minister of the Central African Republic had a constructive discussion.”

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<sup>55</sup> S/2002/1113, annex.

**B. Letter dated 29 November 2002 from the  
Permanent Representative of Chad to the United Nations  
addressed to the President of the Security Council**

**Decision**

At its 4659th meeting, held in private on 9 December 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4659th meeting, held in private on 9 December 2002, the Security Council considered the item entitled ‘Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/2002/1317)’.

“The President, with the consent of the Council, invited the representative of Chad, at his request, to participate in the discussion of the item, without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

“The members of the Council and the representative of Chad had a constructive discussion.”

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**THE SITUATION IN TIMOR-LESTE<sup>56</sup>**

**Decisions**

At its 4598th meeting, held in private on 13 August 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4598th meeting, held in private on 13 August 2002, the Security Council considered the item entitled ‘The situation in East Timor’.

“The President, with the consent of the Council, invited the representatives of Brazil, India, Indonesia, Japan and Portugal, at their request, to participate in the discussion of the item, without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

“The President, with the consent of the members of the Council, invited Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations, to participate in the discussion of the item in accordance with rule 39 of the provisional rules of procedure of the Council.

“The Council heard a briefing under rule 39 of its provisional rules of procedure by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“Mr. Annabi, the members of the Council and the representatives invited under rule 37 of the provisional rules of procedure of the Council had a constructive exchange of views.”

At its 4646th meeting, on 14 November 2002, the Council decided to invite the representatives of Australia, Chile, Denmark, Fiji, India, Indonesia, Japan, New Zealand, Portugal,

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<sup>56</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1975, 1976 and 1999 to 2001 and during the period from 1 January to 31 July 2002. As from the 4646th meeting, held on 14 November 2002, the item “The situation in East Timor” was revised to read “The situation in Timor-Leste”.

the Republic of Korea, Thailand, Timor-Leste and Ukraine to participate, without vote, in the discussion of the item entitled:

“The situation in Timor-Leste

“Report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2002/1223)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kamalesh Sharma, Special Representative of the Secretary-General for Timor-Leste.

At its 4715th meeting, on 10 March 2003, the Council decided to invite the representatives of Australia, Indonesia, Japan, Portugal and Timor-Leste to participate, without vote, in the discussion of the item entitled:

“The situation in Timor-Leste

“Special report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2003/243)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

At its 4735th meeting, on 4 April 2003, the Council decided to invite the representative of Timor-Leste to participate, without vote, in the discussion of the item entitled:

“The situation in Timor-Leste

“Special report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2003/243)”.

**Resolution 1473 (2003)  
of 4 April 2003**

*The Security Council,*

*Reaffirming* its previous resolutions on the situation in Timor-Leste, in particular resolution 1410 (2002) of 17 May 2002,

*Reiterating its full support* for the Special Representative of the Secretary-General and the United Nations Mission of Support in East Timor,

*Welcoming* the progress that Timor-Leste has achieved with the assistance of the Mission since independence,

*Noting* the continued existence of challenges to the security and stability of Timor-Leste,

*Stressing* that improving the overall capabilities of the Timor-Leste police force is a key priority,

*Having considered* the special report of the Secretary-General on the Mission of 3 March 2003,<sup>57</sup>

*Having considered also* the letter dated 28 March 2003 from the Under-Secretary-General for Peacekeeping Operations addressed to the members of the Security Council,<sup>58</sup>

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<sup>57</sup> S/2003/243.

<sup>58</sup> S/2003/379, annex.

1. *Decides* that the composition and strength of the police component of the United Nations Mission of Support in East Timor and the schedule for its downsizing shall be adjusted in line with paragraphs 33 and 35 of the special report of the Secretary-General<sup>57</sup> and shall include the following specific measures:

- (a) The inclusion of an internationally formed unit for one year;
- (b) The provision of additional training capacity in key areas specified in the special report of the Secretary-General;
- (c) Greater emphasis on human rights and rule of law elements;
- (d) The retention of a greater monitoring and advisory presence in districts where policing authority has been handed over to the Timor-Leste police force;
- (e) Follow-up to the recommendations outlined in the report of the joint assessment mission on policing of November 2002;
- (f) Adjustment of planning for the gradual transfer of policing authority to the Timor-Leste police force;

2. *Also decides* that the schedule for the downsizing of the military component of the Mission for the period until December 2003 shall be adjusted in line with the letter dated 28 March 2003 from the Under-Secretary-General for Peacekeeping Operations addressed to the members of the Security Council;<sup>58</sup> and, accordingly, that two battalions shall be retained within regions adjoining the Tactical Coordination Line during this period, together with associated force elements, including mobility; and that the number of military peacekeepers shall be reduced to 1,750 more gradually than was foreseen in resolution 1410 (2002);

3. *Requests* the Secretary-General to provide by 20 May 2003 for the approval of the Council a detailed military strategy for the revised schedule for the downsizing of the military component of the Mission;

4. *Also requests* the Secretary-General to keep the Council closely and regularly informed of developments on the ground and the implementation of the revised military and police strategies;

5. *Requests* the Government of Timor-Leste to continue to work closely with the Mission, including in the implementation of the revised police and military strategies;

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

*Adopted unanimously at the 4735th meeting.*

### **Decisions**

At its 4744th meeting, on 28 April 2003, the Security Council decided to invite the representatives of Australia, Brazil, Fiji, Indonesia, Japan, New Zealand, Portugal and Timor-Leste to participate, without vote, in the discussion of the item entitled:

“The situation in Timor-Leste

“Report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2003/449)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kamalesh Sharma, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor.

At its 4758th meeting, on 19 May 2003, the Council decided to invite the representative of Timor-Leste to participate, without vote, in the discussion of the item entitled:

“The situation in Timor-Leste

“Report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2003/449)”.

**Resolution 1480 (2003)  
of 19 May 2003**

*The Security Council,*

*Reaffirming* its previous resolutions on Timor-Leste, in particular resolutions 1410 (2002) of 17 May 2002 and 1473 (2003) of 4 April 2003,

*Commending* the efforts of the people and Government of Timor-Leste and the progress achieved in developing the institutions of an independent State and in promoting a stable, equitable society based on democratic values and respect for human rights,

*Commending also* the work of the United Nations Mission of Support in East Timor, under the leadership of the Special Representative of the Secretary-General, in assisting the Government of Timor-Leste in developing the nation’s infrastructure, public administration, law enforcement and defence capacities, and in planning for the completion of the mandate of the Mission, including through the creation of a mission liquidation task force,

*Stressing* that improving the overall capabilities of the Timor-Leste police force is a key priority,

*Welcoming* the continuing progress in developing a positive bilateral relationship between the Governments of Timor-Leste and Indonesia, which is crucial for the future stability of Timor-Leste, and encouraging continued efforts by both Governments to secure agreement on the issue of border demarcation, to promote security in the border area, to facilitate the resettlement of East Timorese remaining in West Timor, and to bring to justice those responsible for serious crimes committed in 1999,

*Recognizing* the importance of continued efforts to transfer skills and authority from the Mission to the Government of Timor-Leste in a coordinated and structured manner in the run-up to the withdrawal of the Mission, with the aim of helping to ensure the long-term security and stability of Timor-Leste,

*Noting* the planned end-date for the Mission of 20 May 2004, as indicated in the mandate implementation plan set out in the report of the Secretary-General of 17 April 2002,<sup>59</sup> and in the special report of the Secretary-General of 3 March 2003,<sup>57</sup>

*Stressing* the need for continued international support for Timor-Leste, and encouraging continued bilateral and multilateral development assistance,

*Having considered* the report of the Secretary-General of 21 April 2003,<sup>60</sup>

*Taking note* of the military strategy outlined in paragraphs 38 to 51 of that report,

1. *Decides* to extend the current mandate of the United Nations Mission of Support in East Timor until 20 May 2004;

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

*Adopted unanimously at the 4758th meeting.*

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<sup>59</sup> S/2002/432.

<sup>60</sup> S/2003/449.



### Decision

On 17 July 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>61</sup>

“I have the honour to inform you that your letter dated 14 July 2003 concerning your intention to appoint Lieutenant General Khairuddin Mat Yusof, of Malaysia, to the post of Force Commander of the United Nations Mission of Support in East Timor<sup>62</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.”

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### ITEMS RELATING TO STRENGTHENING COOPERATION WITH TROOP-CONTRIBUTING COUNTRIES<sup>63</sup>

#### A. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Ethiopia and Eritrea pursuant to resolution 1353 (2001), annex II, sections A and B<sup>64</sup>

##### Decisions

At its 4599th meeting, held in private on 13 August 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 13 August 2002, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4599th meeting, in private with the troop-contributing countries to the United Nations Mission in Ethiopia and Eritrea.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4716th meeting, held in private on 10 March 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 10 March 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4716th meeting, in private with the troop-contributing countries to the United Nations Mission in Ethiopia and Eritrea.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Legwaila Joseph Legwaila, Special Representative of the Secretary-General for Ethiopia and Eritrea and Head of the United Nations Mission in Ethiopia and Eritrea.”

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<sup>61</sup> S/2003/717.

<sup>62</sup> S/2003/716.

<sup>63</sup> In accordance with a note by the President of the Security Council dated 27 August 2002 (S/2002/964), the wording of the items under this section concerning “Meeting of the Security Council with troop-contributing countries ... pursuant to resolution 1353 (2001), annex II, section A” was revised to read “Meeting of the Security Council with troop-contributing countries ... pursuant to resolution 1353 (2001), annex II, sections A and B”.

<sup>64</sup> Resolutions or decisions on this question were also adopted by the Security Council in the year 2001 and during the period from 1 January to 31 July 2002.

**B. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Sierra Leone pursuant to resolution 1353 (2001), annex II, sections A and B<sup>64</sup>**

**Decisions**

At its 4610th meeting, held in private on 18 September 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 18 September 2002, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4610th meeting, in private with the troop-contributing countries to the United Nations Mission in Sierra Leone.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Oluyemi Adeniji, Special Representative of the Secretary-General for Sierra Leone and Head of the United Nations Mission in Sierra Leone.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4724th meeting, held in private on 20 March 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 20 March 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4724th meeting, in private with the troop-contributing countries to the United Nations Mission in Sierra Leone.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Oluyemi Adeniji, Special Representative of the Secretary-General for Sierra Leone and Head of the United Nations Mission in Sierra Leone.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

**C. Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, sections A and B<sup>64</sup>**

**Decisions**

At its 4612th meeting, held in private on 19 September 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 19 September 2002, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4612th meeting, in private with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4767th meeting, held in private on 4 June 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 4 June 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4767th meeting, in private with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“The members of the Council had an extensive and constructive exchange of views with representatives of participating troop-contributing countries.”

**D. Meeting of the Security Council with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission pursuant to resolution 1353 (2001), annex II, sections A and B<sup>65</sup>**

**Decisions**

At its 4617th meeting, held in private on 2 October 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 2 October 2002, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4617th meeting, in private with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4733rd meeting, held in private on 2 April 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 2 April 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4733rd meeting, in private with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4781st meeting, held in private on 1 July 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

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<sup>65</sup> Resolutions or decisions on this question were also adopted by the Security Council in 2001.

“On 1 July 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4781st meeting, in private with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Julian Harston, Acting Director of the Asia and Middle East Division of the Department of Peacekeeping Operations of the Secretariat.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

**E. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Observers in Prevlaka pursuant to resolution 1353 (2001), annex II, sections A and B<sup>66</sup>**

**Decision**

At its 4620th meeting, held in private on 10 October 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 10 October 2002, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4620th meeting, in private with the troop-contributing countries to the United Nations Mission of Observers in Prevlaka.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.”

**F. Meeting of the Security Council with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus pursuant to resolution 1353 (2001), annex II, sections A and B<sup>64</sup>**

**Decisions**

At its 4648th meeting, held in private on 21 November 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 21 November 2002, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4648th meeting, in private with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Joachim Hütter, Director of the Europe and Latin America Division of the Department of Peacekeeping Operations of the Secretariat.”

At its 4769th meeting, held in private on 5 June 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

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<sup>66</sup> Resolutions or decisions on this question were also adopted by the Security Council during the period from 1 January to 31 July 2002.

“On 5 June 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4769th meeting, in private with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

**G. Meeting of the Security Council with the troop-contributing countries to the United Nations Disengagement Observer Force pursuant to resolution 1353 (2001), annex II, sections A and B<sup>64</sup>**

**Decisions**

At its 4669th meeting, held in private on 17 December 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 17 December 2002, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4669th meeting, in private with the troop-contributing countries to the United Nations Disengagement Observer Force.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4778th meeting, held in private on 23 June 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 23 June 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4778th meeting, in private with the troop-contributing countries to the United Nations Disengagement Observer Force.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Major General Martin L. Agwai, Deputy Military Adviser in the Department of Peacekeeping Operations of the Secretariat.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

**H. Meeting of the Security Council with the troop-contributing countries to the United Nations Observer Mission in Georgia pursuant to resolution 1353 (2001), annex II, sections A and B<sup>66</sup>**

**Decisions**

At its 4687th meeting, held in private on 17 January 2003, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 17 January 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4687th meeting, in private with the troop-contributing countries to the United Nations Observer Mission in Georgia.

“The Council and the troop-contributing countries heard briefings under rule 39 of the provisional rules of procedure of the Council by Mr. Joachim Hütter, Director of the Europe and Latin America Division of the Department of Peacekeeping Operations of the Secretariat, and Major General Kazi Ashfaq Ahmed, Chief Military Observer of the United Nations Observer Mission in Georgia.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4796th meeting, held in private on 25 July 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 25 July 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4796th meeting, in private with the troop-contributing countries to the United Nations Observer Mission in Georgia.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Ms. Heidi Tagliavini, Special Representative of the Secretary-General for Georgia and Head of the United Nations Observer Mission in Georgia.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

**I. Meeting of the Security Council with the troop-contributing countries  
to the United Nations Interim Force in Lebanon  
pursuant to resolution 1353 (2001), annex II, sections A and B<sup>66</sup>**

**Decisions**

At its 4689th meeting, held in private on 21 January 2003, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 21 January 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4689th meeting, in private with the troop-contributing countries to the United Nations Interim Force in Lebanon.

“The Council and the troop-contributing countries heard briefings under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations, and Major General Lalit Mohan Tewari, Force Commander of the United Nations Interim Force in Lebanon.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

At its 4795th meeting, held in private on 25 July 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 25 July 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4795th meeting, in private with the troop-contributing countries to the United Nations Interim Force in Lebanon.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Julian Harston, Acting Director of the Asia and Middle East Division of the Department of Peacekeeping Operations of the Secretariat.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

**J. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, sections A and B<sup>64</sup>**

**Decisions**

At its 4690th meeting, held in private on 22 January 2003, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 22 January 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4690th meeting, in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.”

At its 4763rd meeting, held in private on 28 May 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 28 May 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4763rd meeting, in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.”

**K. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Support in East Timor pursuant to resolution 1353 (2001), annex II, sections A and B**

**Decision**

At its 4755th meeting, held in private on 16 May 2003, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“On 16 May 2003, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 4755th meeting, in private with the troop-contributing countries to the United Nations Mission of Support in East Timor.

“The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Major General Patrick Cammaert, Military Adviser in the Department of Peacekeeping Operations of the Secretariat.

“The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries.”

## THE SITUATION BETWEEN ERITREA AND ETHIOPIA<sup>67</sup>

### Decision

At its 4600th meeting, on 14 August 2002, the Security Council considered the item entitled:

“The situation between Eritrea and Ethiopia

“Report of the Secretary-General on Ethiopia and Eritrea (S/2002/744)”.

### Resolution 1430 (2002) of 14 August 2002

*The Security Council,*

*Recalling* its relevant resolutions concerning the situation between Eritrea and Ethiopia, in particular resolution 1398 (2002) of 15 March 2002,

*Also recalling* the report of 27 February 2002 of the Security Council mission to Ethiopia and Eritrea undertaken in the period from 21 to 25 February 2002,<sup>68</sup>

*Further recalling* the Delimitation Decision of the Boundary Commission of 13 April 2002,<sup>69</sup> subsequently embraced by the parties as final and binding in accordance with the comprehensive Peace Agreement signed in Algiers on 12 December 2000,<sup>70</sup>

*Reaffirming its strong support* for the comprehensive Peace Agreement and the preceding Agreement on Cessation of Hostilities signed in Algiers on 18 June 2000<sup>71</sup> (hereinafter referred to collectively as “the Algiers Agreements”),

*Reaffirming its strong support also* for the help in implementing the Algiers Agreements continuously provided by the Secretary-General and his Special Representative, including through their good offices, and for the role played by the United Nations Mission in Ethiopia and Eritrea in the implementation of its mandate, thereby contributing towards the completion of the peace process,

*Reaffirming* the need for both parties to fulfil their obligations under international law, including international humanitarian law, human rights law and refugee law, and to ensure the safety of all personnel of the United Nations, the International Committee of the Red Cross and other humanitarian organizations,

*Reaffirming its strong support* for the African Union Liaison Mission in Ethiopia-Eritrea, and inviting the President ad interim of the Commission of the African Union to continue actively the role of the former Organization of African Unity in support of the peace process,

*Having considered* the report of the Secretary-General of 10 July 2002,<sup>72</sup>

1. *Decides* to adjust the mandate of the United Nations Mission in Ethiopia and Eritrea, in order to assist the Boundary Commission in the expeditious and orderly implementation of its Delimitation Decision,<sup>69</sup> to include with immediate effect:

(a) Demining in key areas to support demarcation, and

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<sup>67</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1998, 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>68</sup> S/2002/205.

<sup>69</sup> S/2002/423, annex.

<sup>70</sup> S/2000/1183, annex.

<sup>71</sup> S/2000/601, annex.

<sup>72</sup> S/2002/744.



(b) Administrative and logistical support for the Field Offices of the Boundary Commission,

in accordance with the recommendations provided by the Secretary-General in paragraphs 13, 14 and 17 of his report,<sup>72</sup> and resolution 1398 (2002), the costs of civilian demining contractors and Field Office support to be funded as outlined in paragraphs 14 and 17 of the report;

2. *Endorses* the technical steps for territorial transfers as a broad framework for the process as recommended by the Secretary-General in his report, and decides to review, as necessary, the implications for the Mission in this regard, while strongly urging the parties to provide their full and prompt cooperation in the process with a view to ensuring an expeditious transition for the benefit of the affected populations;

3. *Calls upon* the parties to cooperate fully and expeditiously with the Mission in the implementation of its mandate, as adjusted by the present resolution, by abiding scrupulously by the letter and spirit of their agreements and by resolving all outstanding issues in accordance with the Algiers Agreements;

4. *Encourages* the parties to continue to cooperate fully and expeditiously with the Mission in providing the information and maps required by the Mission for the demining process;

5. *Calls upon* the parties to cooperate fully and promptly with the Boundary Commission, including by implementing without conditions its binding Demarcation Directions, by abiding promptly by all its Orders, including the two issued on 17 July 2002,<sup>73</sup> and by taking all steps necessary to ensure the personal security of the staff of the Commission operating in territories under their control;

6. *Appeals* to the parties to exercise restraint, and emphasizes that, in accordance with paragraph 14 of the Agreement on Cessation of Hostilities,<sup>71</sup> the security arrangements are to remain in effect, and that, accordingly, arrangements for the separation of forces, as achieved by the Temporary Security Zone and through the contributions of the Mission, will continue to be of key importance;

7. *Calls upon* the parties to refrain from unilateral troop or population movements, including the establishment of any new settlements in areas near the border, until demarcation and orderly transfer of territorial control has been accomplished, in accordance with article 4, paragraph 16, of the comprehensive Peace Agreement,<sup>70</sup>

8. *Demands* that the parties allow the Mission full freedom of movement and remove with immediate effect any and all restrictions on, and impediments to the work of, the Mission and its staff in the discharge of its mandate;

9. *Expresses its disappointment* that there has been no progress regarding the establishment of a direct high-altitude flight route for the Mission between Asmara and Addis Ababa, given the importance to the demarcation process of a direct flight route, and renews its appeal to the parties to work with the Special Representative of the Secretary-General in a spirit of compromise to settle the issue for the mutual benefit of all;

10. *Calls again upon* the parties to release and return without further delay all remaining prisoners of war and civilian internees under the auspices of the International Committee of the Red Cross in accordance with the Geneva Conventions of 12 August 1949<sup>74</sup> and the Algiers Agreements;

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<sup>73</sup> See S/2002/853.

<sup>74</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

11. *Further calls upon* the parties to increase their efforts to take other measures that will build confidence and promote reconciliation between the two peoples for their mutual benefit, including in particular in the areas listed in paragraph 14 of resolution 1398 (2002);

12. *Encourages* the guarantors, facilitators and witnesses of the Algiers Agreements and the Friends of the United Nations Mission in Ethiopia and Eritrea to intensify their contacts with the authorities of both countries with a view to contributing to an expeditious demarcation process;

13. *Strongly emphasizes* the importance of an expeditious and orderly demarcation process in order to further peace and normalize the relations between the parties, to enable displaced persons to return home and in order for the parties to move completely beyond the border issue and pave the way for reconstruction and development as well as political and economic cooperation;

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

*Adopted unanimously at the 4600th meeting.*

### **Decision**

At its 4606th meeting, on 6 September 2002, the Security Council considered the item entitled:

“The situation between Eritrea and Ethiopia

“Progress report of the Secretary-General on Ethiopia and Eritrea (S/2002/977)”.

### **Resolution 1434 (2002) of 6 September 2002**

*The Security Council,*

*Reaffirming* all its previous resolutions and statements pertaining to the situation between Eritrea and Ethiopia, notably the requirements contained therein, including in particular its resolution 1430 (2002) of 14 August 2002,

*Reaffirming its unwavering support* for the peace process and its commitment, including through the role played by the United Nations Mission in Ethiopia and Eritrea in the implementation of its mandate, to the full and expeditious implementation of the comprehensive Peace Agreement signed by the parties on 12 December 2000<sup>70</sup> and the preceding Agreement on Cessation of Hostilities of 18 June 2000<sup>71</sup> (hereinafter referred to collectively as “the Algiers Agreements”), the Delimitation Decision of the Boundary Commission of 13 April 2002,<sup>69</sup> embraced by the parties as final and binding in accordance with the Algiers Agreements, including the Orders issued on 17 July 2002,<sup>73</sup> and the ensuing binding Demarcation Directions,

*Welcoming* the recent confirmations by both parties to implement fully their commitments under article 2 of the comprehensive Peace Agreement, in accordance with the Geneva Conventions of 12 August 1949,<sup>74</sup> and in so doing, welcoming the recent release and repatriation by Eritrea of 279 prisoners of war and strongly encouraging Ethiopia to follow through on its pledge relating to the release and repatriation of its prisoners of war and civilian internees, and calling upon both parties to continue to clarify the cases of any remaining prisoners of war and to resolve all other remaining issues in accordance with the Geneva Conventions, in cooperation with the International Committee of the Red Cross,

*Expressing concern* regarding reported incidents of cross-border harassment and abductions of civilians on both sides, referred to in the report of the Secretary-General of 30 August 2002,<sup>75</sup> and calling upon both parties to ensure an immediate end to such incidents and to cooperate fully with investigations by the Mission in this regard,

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<sup>75</sup> S/2002/977.

*Having considered* the report of the Secretary-General,

1. *Decides* to extend the mandate of the United Nations Mission in Ethiopia and Eritrea until 15 March 2003 at the troop and military observer levels authorized by its resolution 1320 (2000) of 15 September 2000;

2. *Also decides* to review frequently the progress made by the parties in the implementation of their commitments pursuant to the Algiers Agreements, including through the Boundary Commission, and to review any implications for the Mission, including with regard to the process of territorial transfers during the demarcation as outlined by the Secretary-General in his report of 10 July 2002;<sup>72</sup>

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

*Adopted unanimously at the 4606th meeting.*

### **Decisions**

On 8 October 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>76</sup>

“I have the honour to inform you that your letter dated 4 October 2002, in which you indicated your intention to appoint Major General Robert Gordon, of the United Kingdom of Great Britain and Northern Ireland, as Force Commander of the United Nations Mission in Ethiopia and Eritrea,<sup>77</sup> has been brought to the attention of the members of the Security Council, who have taken note of your intention.”

At its 4719th meeting, on 14 March 2003, the Council considered the item entitled:

“The situation between Eritrea and Ethiopia

“Progress report of the Secretary-General on Ethiopia and Eritrea (S/2003/257)”.

### **Resolution 1466 (2003) of 14 March 2003**

*The Security Council,*

*Reaffirming* all its previous resolutions and statements pertaining to the situation between Ethiopia and Eritrea, and the requirements contained therein, including in particular its resolution 1434 (2002) of 6 September 2002,

*Reaffirming its unwavering support* for the peace process and its commitment, including through the role played by the United Nations Mission in Ethiopia and Eritrea in the implementation of its mandate, to the full and expeditious implementation of the comprehensive Peace Agreement signed by the parties on 12 December 2000<sup>70</sup> and the preceding Agreement on Cessation of Hostilities of 18 June 2000<sup>71</sup> (hereinafter referred to collectively as “the Algiers Agreements”), the Delimitation Decision of the Boundary Commission of 13 April 2002,<sup>69</sup> embraced by the parties as final and binding in accordance with the Algiers Agreements, including the Orders issued on 17 July 2002,<sup>73</sup> and the ensuing binding Demarcation Directions,

*Commending* the Governments of Ethiopia and Eritrea on the progress made thus far in the peace process, including the recently concluded release and repatriation of prisoners of war, and calling upon both parties to cooperate with the International Committee of the Red Cross to clarify and to resolve the remaining issues in accordance with the Geneva Conventions of 12 August 1949,<sup>74</sup> and with the commitments made in the Algiers Agreements,

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<sup>76</sup> S/2002/1121.

<sup>77</sup> S/2002/1120.

*Reiterating* the need for both parties to fulfil their obligations under international law, including international humanitarian law, human rights law and refugee law, and to ensure the safety of all personnel of the United Nations, the Boundary Commission, the International Committee of the Red Cross and other humanitarian organizations,

*Noting* that the peace process is about to enter its crucial phase of demarcation, and emphasizing the importance of ensuring expeditious implementation of the Boundary Decision while maintaining stability in all areas affected by the Decision,

*Stressing* that only the full implementation of the Algiers Agreements will lead to sustainable peace, which is a crucial precondition to address reconstruction and development needs as well as economic recovery,

*Noting with concern* the continued violations of the model status-of-forces agreement, which Ethiopia has signed and Eritrea has agreed to respect,

*Welcoming* the eighth report of the Boundary Commission,<sup>78</sup> noting the concerns expressed therein with regard to full adherence by the parties to the Boundary Decision and demarcation-related decisions of the Commission, and expressing its full support for the work of the Commission and the legal framework within which the Commission is taking its decisions,

*Having considered* the report of the Secretary-General,<sup>79</sup>

1. *Decides* to extend the mandate of the United Nations Mission in Ethiopia and Eritrea until 15 September 2003 at the troop and military observer levels authorized by its resolution 1320 (2000) of 15 September 2000;

2. *Urges* both Ethiopia and Eritrea to continue to assume their responsibilities and fulfil their commitments under the Algiers Agreements, and calls upon them to cooperate fully and promptly with the Boundary Commission to enable it to fulfil the mandate conferred upon it by the parties of expeditiously delimiting and demarcating the boundary, to implement fully the binding Demarcation Directions of the Commission, to abide promptly by all its Orders, including those issued on 17 July 2002,<sup>73</sup> and to take all steps necessary to provide the necessary security on the ground for the staff of the Commission operating in territories under their control;

3. *Expresses concern* regarding recent incidents of incursions across the southern boundary of the Temporary Security Zone and calls upon both parties to ensure an immediate end to such incidents and to cooperate fully with investigations by the Mission in this regard, and expresses further concern about the placement by unknown entities of anti-tank mines in the Temporary Security Zone;

4. *Calls upon* the parties to cooperate fully and expeditiously with the Mission in the implementation of its mandate to ensure the personal security of the staff of the Mission when operating in territories under their control, and to facilitate their work, including by establishing a direct high-altitude flight route for the Mission between Asmara and Addis Ababa, which would relieve the unnecessary additional cost to the Mission;

5. *Demands* that the parties allow the Mission full freedom of movement and remove with immediate effect any and all restrictions on, and impediments to the work of, the Mission and its staff in the discharge of its mandate;

6. *Affirms* the ability of the Mission, within its existing verification mandate, to monitor fulfilment by the parties of their responsibilities with regard to the security of the Boundary Commission staff working in the field;

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<sup>78</sup> S/2003/257, annex I.

<sup>79</sup> S/2003/257.

7. *Notes* the work done by the Mine Action Coordination Centre of the Mission in demining and education on risk related to mines, and urges the parties to pursue efforts on mine clearance;

8. *Urges* the two parties to engage expeditiously in further discussions with the Special Representative of the Secretary-General so that they reach agreement on the timing and modalities of territorial transfer, which could include the establishment by the parties of a mechanism for the resolution of problems in this regard;

9. *Also urges* the two parties to begin to sensitize their populations about the demarcation process and its implications, including the role of the United Nations in support of this process;

10. *Calls upon* the parties to refrain from unilateral troop or population movements, including the establishment of any new settlements in areas near the border, until demarcation and orderly transfer of territorial control has been accomplished, in accordance with article 4, paragraph 16, of the comprehensive Peace Agreement;<sup>70</sup>

11. *Reaffirms* its decision to review frequently the progress made by the parties in the implementation of their commitments pursuant to the Algiers Agreements, including through the Boundary Commission, and to review any implications for the Mission, including with regard to the process of territorial transfers during the demarcation as outlined by the Secretary-General in his report of 10 July 2002;<sup>72</sup>

12. *Encourages* the guarantors, facilitators and witnesses of the Algiers Agreements and the Friends of the United Nations Mission in Ethiopia and Eritrea to intensify further their contacts with the authorities of both countries with a view to contributing to an expeditious demarcation process;

13. *Welcomes* the contributions by Member States to the Trust Fund in Support of the Delimitation and Demarcation of the Ethiopia-Eritrea Border, and calls upon the international community to continue to contribute urgently to the Trust Fund in order to facilitate the conclusion of the demarcation process in accordance with the schedule of the Boundary Commission;

14. *Calls again upon* the parties to increase their efforts to take measures that will build confidence and contribute to the normalization of relations between them, including in particular their political relations and those in the areas listed in paragraph 14 of resolution 1398 (2002) of 15 March 2002;

15. *Expresses its concern* at the prevailing drought and worsening humanitarian situation in Ethiopia and Eritrea and the implications this could have for the peace process, and calls upon Member States to continue to provide prompt and generous support for humanitarian operations in Ethiopia and Eritrea;

16. *Invites* the African Union to continue to lend its full support to the peace process;

17. *Expresses its strong support* for the Special Representative of the Secretary-General, Mr. Legwaila Joseph Legwaila, the Force Commander of the Mission, Major General Robert Gordon, the military and civilian personnel of the Mission and the Boundary Commission for their work in support of the peace process;

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

*Adopted unanimously at the 4719th meeting.*

### **Decisions**

At its 4787th meeting, on 17 July 2003, the Security Council considered the item entitled:

“The situation between Eritrea and Ethiopia

“Progress report of the Secretary-General on Ethiopia and Eritrea (S/2003/665)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>80</sup>

“The Security Council, recalling all its resolutions and statements by its President regarding the situation between Ethiopia and Eritrea, as well as the conclusions of the Security Council mission to Eritrea and Ethiopia in 2002, welcomes the progress report of the Secretary-General of 23 June 2003.<sup>81</sup>

“The Council reaffirms the commitment of all Member States to the sovereignty, independence and territorial integrity of Ethiopia and Eritrea, and its support for the Delimitation Decision of the Eritrea-Ethiopia Boundary Commission of 13 April 2002.<sup>69</sup>

“The Council welcomes the public commitment of both parties to a full and expeditious implementation of the comprehensive Peace Agreement signed in Algiers on 12 December 2000,<sup>70</sup> and reaffirms its commitment to contribute to the completion of the peace process. The Council welcomes the parties’ acceptance of the Delimitation Decision of 13 April 2002 as final and binding.

“The Council welcomes the fact that the situation in the Temporary Security Zone has remained calm and that the parties have cooperated well with the Special Representative of the Secretary-General and with the United Nations Mission in Ethiopia and Eritrea. The Council reiterates its serious concern about outstanding issues referred to in the report of the Secretary-General, in particular some restrictions on the freedom of movement of the Mission that remain and the continuing absence of a direct high-altitude flight route for aircraft of the Mission between Asmara and Addis Ababa, resulting in additional costs to the Mission.

“The Council supports the observation made by the Secretary-General in his progress report that expeditious demarcation of the border is crucial, and expresses concern at the delays so far, particularly given the operational cost of the Mission at a time of growing demands on United Nations peacekeeping. Delays would be contrary to the wish of both parties to achieve lasting peace and stability as manifested in the Algiers Agreement.

“The Council urges the parties to provide their full and prompt cooperation to the Boundary Commission for the beginning of demarcation in Sector East and for the initiation of survey work in Sectors Centre and West. The Council calls upon the parties to pursue any matters that may arise in connection with the implementation of the Delimitation Decision of the Boundary Commission within the provisions of the Algiers Agreement.

“The Council encourages the parties to continue their cooperation with the Military Coordination Commission in order to resolve military and security coordination issues arising from the activities of the Boundary Commission. The Council welcomes assurances given by both parties regarding the provision of security for the staff of the Boundary Commission and contractors operating in the Temporary Security Zone and adjacent areas during demarcation.

“The Council regrets the absence of political contacts between the parties. It believes that political dialogue between the two countries is crucial for the success of the peace process and the consolidation of progress made thus far. The Council calls upon both parties to normalize their relationship through political dialogue, including confidence-building measures such as holding alternating meetings of the Military Coordination Commission in each other’s capital.

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<sup>80</sup> S/PRST/2003/10.

<sup>81</sup> S/2003/665.

“The Council underlines the readiness of the United Nations to facilitate political dialogue if requested and to offer strong support in addressing the humanitarian and development challenges that would result from the demarcation of the border.

“The Council encourages the Mission to continue its local outreach activities in order to provide valuable information about the peace process and mine awareness programmes to the local population. The Council welcomes the intention of the Mission to continue quick-impact projects, which provide direct assistance to communities in the border regions, and welcomes the recommendation of the Secretary-General contained in paragraph 22 of his report. The Council, expressing appreciation to those Member States that have already provided contributions to the Trust Fund in Support of the Delimitation and Demarcation of the Ethiopia-Eritrea Border and to the Trust Fund to Support the Peace Process in Ethiopia and Eritrea, calls upon Member States in a position to do so to urgently provide further support to these Trust Funds.

“The Council is concerned about the serious shortfall of resources received in response to the consolidated appeals to address the humanitarian consequences of the drought in Ethiopia and Eritrea and calls upon Member States and the international community to contribute generously to these appeals.”

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**EXCHANGE OF LETTERS BETWEEN THE SECRETARY-GENERAL  
AND THE PRESIDENT OF THE SECURITY COUNCIL  
CONCERNING THE INDIA-PAKISTAN QUESTION<sup>82</sup>**

**Decision**

On 21 August 2002, the President of the Security Council addressed the following letter to the Secretary-General.<sup>83</sup>

“I have the honour to inform you that your letter dated 15 August 2002 concerning your intention to appoint Brigadier General Pertti Puonti, of Finland, as the Chief Military Observer of the United Nations Military Observer Group in India and Pakistan,<sup>84</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed therein.”

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**ITEMS RELATING TO THE SITUATION IN THE FORMER YUGOSLAVIA**

**A. Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998),  
1239 (1999) and 1244 (1999)<sup>85</sup>**

**Decisions**

At its 4605th meeting, on 5 September 2002, the Security Council decided to invite the representatives of Denmark, the former Yugoslav Republic of Macedonia, Ukraine and

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<sup>82</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1998, 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>83</sup> S/2002/947.

<sup>84</sup> S/2002/946.

<sup>85</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

Yugoslavia to participate, without vote, in the discussion of the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

At its 4633rd meeting, on 24 October 2002, the Council decided to invite the representative of Yugoslavia to participate, without vote, in the discussion of the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>86</sup>

“The Security Council reaffirms its continued commitment to the full and effective implementation of Council resolution 1244 (1999) of 10 June 1999 in Kosovo, Federal Republic of Yugoslavia, commends the Special Representative of the Secretary-General and the Commander of the Kosovo Force for the ongoing efforts to this end and calls upon the provisional institutions of self-government, local leaders and all others concerned to cooperate fully with them.

“The Council welcomes the progress made in preparing for the municipal elections on 26 October 2002 and calls upon all eligible voters, including those from minority communities, to seize the chance to have their interests properly represented by taking part in the elections. The Council expresses its firm belief that wide participation in the voting is essential to providing the best opportunity for future progress towards building a multi-ethnic and tolerant society.”

At its 4643rd meeting, on 6 November 2002, the Council decided to invite the representatives of Denmark, Japan, Ukraine and Yugoslavia to participate, without vote, in the discussion of the item entitled:

“Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

“Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2002/1126)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

On 21 November 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>87</sup>

“I have the honour to inform you that, following informal consultations, and taking into account the views of your Special Representative and Head of the United Nations Interim Administration Mission in Kosovo, Mr. Michael Steiner, the members of the Security Council have agreed to dispatch a mission to Kosovo and Belgrade, Federal Republic of Yugoslavia, from 13 to 17 December 2002. The terms of reference for the mission are attached (see annex). The composition of the mission, which will be led by Mr. Ole Peter Kolby, of Norway, will be forwarded to you shortly.

“I should be grateful if you could have the Secretariat make all the necessary arrangements to facilitate the work of the mission.

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<sup>86</sup> S/PRST/2002/29.

<sup>87</sup> S/2002/1271.



“Annex

“Terms of reference for the Security Council mission to Kosovo and Belgrade, Federal Republic of Yugoslavia

“1. At the invitation of the Special Representative of the Secretary-General in Kosovo, Michael Steiner, the Security Council decides to send a mission there. The visit will take place from 13 to 17 December 2002. The mission will visit both Pristina and Belgrade.

“2. The mission has the following objectives:

“(a) To find ways to enhance support for the implementation of Council resolution 1244 (1999) and the work of the United Nations Interim Administration Mission in Kosovo to this end;

“(b) In this context, to observe the operations of the Mission and the situation on the ground, and specifically to obtain an update on Mr. Steiner’s benchmarks, including the rule of law, the rate of sustainable return and the privatization agenda; in addition, to discuss the challenges faced by the Mission, particularly the follow-up to the local elections, decentralization and the situation in Mitrovica; and report its conclusions to the Council;

“(c) To convey a strong message to the provisional institutions of self-government, local leaders, the newly elected municipal officials and all others concerned, about the need:

“(i) To use the opportunity created by the local elections to move forward with the decentralization process and to further develop democratic institutions;

“(ii) To promote inter-ethnic reconciliation and inclusion;

“(iii) To reject all violence and condemn extremist and terrorist activities;

“(iv) To ensure public safety and order and promote stability and security;

“(v) To support the full and effective implementation of Council resolution 1244 (1999) and fully cooperate with the Mission and the Kosovo Force to these ends;

“(d) To explore ways to enhance cooperation between the Mission and the authorities of the Federal Republic of Yugoslavia on the basis of the UNMIK-FRY Common Document of 5 November 2001, and the opportunities for increased cooperation between Pristina and Belgrade;

“(e) To look at the impact of the regional situation on the work of the Mission.”

At its 4676th meeting, on 19 December 2002, the Council decided to invite the representative of Yugoslavia to participate, without vote, in the discussion of the item entitled:

“Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

“Report of the Security Council mission to Kosovo and Belgrade, Federal Republic of Yugoslavia (S/2002/1376)”.

At its 4702nd meeting, on 6 February 2003, the Council decided to invite the representatives of Greece, Norway and Serbia and Montenegro<sup>88</sup> to participate, without vote, in the discussion of the item entitled:

“Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

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<sup>88</sup> Effective 4 February 2003, the name of the State of the Federal Republic of Yugoslavia was changed to “Serbia and Montenegro”.

“Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/113)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Michael Steiner, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo.

At its 4703rd meeting, on 6 February 2003, the Council considered the item entitled:

“Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

“Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/113)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>89</sup>

“The Security Council reaffirms its continued commitment to the full and effective implementation of its resolution 1244 (1999) of 10 June 1999. The Council notes the transformation of the Federal Republic of Yugoslavia into Serbia and Montenegro and, in this context, reaffirms that resolution 1244 (1999) remains fully valid in all its aspects. Resolution 1244 (1999) continues to be the basis of the policy of the international community on Kosovo.

“The Council further reaffirms its commitment to the objective of a multiethnic and democratic Kosovo and calls upon all communities to work towards this goal and actively participate in the public institutions as well as the decision-making process, and integrate into society. It condemns all attempts to establish and maintain structures and institutions as well as initiatives that are inconsistent with resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government in Kosovo. The Council calls for the authority of the United Nations Interim Administration Mission in Kosovo to be respected throughout Kosovo, and welcomes the establishment of the authority of the Mission in the northern part of Mitrovica. It encourages the establishment of direct dialogue between Pristina and Belgrade on issues of practical importance to both sides.

“The Council condemns the violence within the Kosovo Albanian community, as well as the violence against the Kosovo Serb community. It urges local institutions and leaders to exert influence on the climate for the rule of law by condemning all violence and actively supporting the efforts of the police and the judiciary. It underlines the responsibility of the majority to make the minority communities feel that Kosovo is their home too, and that the laws apply equally to everyone. The minority community representatives must join and work within the institutions to benefit from them. The Council stresses that all communities must make renewed efforts to inject momentum into improving inter-ethnic dialogue and promoting the reconciliation process, not least through full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

“The Council welcomes the report of the Secretary-General on the activities of the Mission and recent developments in Kosovo<sup>90</sup> and the briefing of the Special Representative of the Secretary-General on the status of implementation of the benchmarks for Kosovo. The Council reiterates its full support for the “standards before status” policy with postulated targets in the eight key areas: functioning of democratic institutions, the rule of law, freedom

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<sup>89</sup> S/PRST/2003/1.

<sup>90</sup> S/2003/113.

of movement, the return of refugees and internally displaced persons, the economy, property rights, dialogue with Belgrade, and the Kosovo Protection Corps. The Council welcomes the presentation of a detailed plan for its implementation that will provide the appropriate baseline against which progress can be measured, as discussed with the Special Representative of the Secretary-General during the Security Council mission in December 2002. The fulfilment of these targets is essential to commencing a political process designed to determine the future of Kosovo, in accordance with resolution 1244 (1999). The Council strongly rejects unilateral initiatives which may jeopardize stability and the normalization process not only in Kosovo but also in the entire region. It urges all political leaders in Kosovo and in the region to shoulder responsibility for democratization, peace and stability in the region by rejecting all initiatives contravening resolution 1244 (1999). The Council rejects any attempts to exploit the question of the future of Kosovo for other political ends.

“The Council welcomes the progress made in 2002, as outlined in the report of the Secretary-General. It supports the continued efforts of the Special Representative of the Secretary-General, including in such priority areas as revitalizing the economy through investment, combating crime and illegal trafficking, and building a multi-ethnic society, while ensuring conditions for the sustainable return of refugees and internally displaced persons.

“The Council welcomes the intention of the Special Representative of the Secretary-General to transfer remaining competencies to the provisional institutions of self-government by the end of the year, except those reserved for the Special Representative of the Secretary-General under resolution 1244 (1999). It calls upon the Kosovo provisional institutions of self-government as well as all Kosovars to take on their responsibilities and genuinely cooperate for this transfer to be successful.

“The Council reiterates its full support for the Special Representative of the Secretary-General and urges Kosovo’s leaders once again to work in close cooperation with the Mission and the Kosovo Force for a better future for Kosovo and stability in the region.”

At its 4742nd meeting, on 23 April 2003, the Council decided to invite the representatives of Albania, Greece and Serbia and Montenegro to participate, without vote, in the discussion of the item entitled:

“Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

“Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/421)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

At its 4770th meeting, on 10 June 2003, the Council decided to invite the representatives of Greece and Serbia and Montenegro to participate, without vote, in the discussion of the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

At its 4782nd meeting, on 3 July 2003, the Council decided to invite the representatives of Albania, Italy, Japan and Serbia and Montenegro to participate, without vote, in the discussion of the item entitled:

“Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

“Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/675)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Michael Steiner, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo.

On 28 July 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>91</sup>

“I have the honour to inform you that your letter dated 24 July 2003 concerning your intention to appoint Mr. Harri Holkeri, of Finland, as your Special Representative and Head of the United Nations Interim Administration Mission in Kosovo<sup>92</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.”

## **B. The situation in Croatia<sup>93</sup>**

### **Decision**

At its 4622nd meeting, on 11 October 2002, the Security Council decided to invite the representative of Croatia to participate, without vote, in the discussion of the item entitled:

“The situation in Croatia

“Report of the Secretary-General on the United Nations Mission of Observers in Prevlaka (S/2002/1101)”.

### **Resolution 1437 (2002) of 11 October 2002**

*The Security Council,*

*Recalling* all its relevant resolutions, including resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1088 (1996) of 12 December 1996, 1147 (1998) of 13 January 1998, 1183 (1998) of 15 July 1998, 1222 (1999) of 15 January 1999, 1252 (1999) of 15 July 1999, 1285 (2000) of 13 January 2000, 1307 (2000) of 13 July 2000, 1335 (2001) of 12 January 2001, 1357 (2001) of 21 June 2001, 1362 (2001) of 11 July 2001, 1387 (2002) of 15 January 2002 and 1424 (2002) of 12 July 2002,

*Having considered* the report of the Secretary-General of 2 October 2002 on the United Nations Mission of Observers in Prevlaka,<sup>94</sup>

*Reaffirming once again its commitment* to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

*Noting once again* the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia,<sup>95</sup> in particular articles 1 and 3 thereof, the latter reaffirming their agreement concerning the demilitarization of

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<sup>91</sup> S/2003/762.

<sup>92</sup> S/2003/761.

<sup>93</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1993 and 1995 to 2001 and during the period from 1 January to 31 July 2002.

<sup>94</sup> S/2002/1101.

<sup>95</sup> S/24476, annex.

the Prevlaka peninsula, and the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996,<sup>96</sup>

*Noting with satisfaction* that the overall situation in the area of responsibility of the Mission has remained stable and calm, and encouraged by the progress made by the parties in normalizing their bilateral relationship, in particular through negotiations aimed at finding a transitional arrangement for the Prevlaka peninsula,

*Commending* the role played by the Mission, and noting that the presence of the United Nations military observers continues to be important in maintaining conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

*Recalling* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994<sup>97</sup> and the statement by its President of 9 February 2000,<sup>98</sup>

1. *Authorizes* the United Nations Mission of Observers in Prevlaka to continue monitoring the demilitarization of the Prevlaka peninsula, as a last extension of its mandate, until 15 December 2002;

2. *Requests* the Secretary-General to prepare for the termination of the mandate of the Mission on 15 December 2002 by gradually reducing the number of personnel and concentrating its activities in a way that reflects the stable and peaceful conditions in the area and the normalization of relations between the parties;

3. *Also requests* the Secretary-General to report to the Council on the completion of the mandate of the Mission;

4. *Reiterates its calls* upon the parties to comply with the demilitarized regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

5. *Welcomes* continuing progress in the normalization of relations between the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia and the establishment of the interstate Border Commission, and urges the parties to accelerate efforts towards a negotiated settlement on the disputed issue of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia,<sup>96</sup>

6. *Expresses its readiness* to review the duration of the authority given in paragraph 1 above, with a view to shortening the time frame, if the parties so request;

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

*Adopted unanimously at the 4622nd meeting.*

### Decisions

At its 4662nd meeting, on 12 December 2002, the Security Council decided to invite the representative of Croatia to participate, without vote, in the discussion of the item entitled:

“The situation in Croatia

“Report of the Secretary-General on the United Nations Mission of Observers in Prevlaka (S/2002/1341)”.

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<sup>96</sup> See S/1996/706 and S/1996/744.

<sup>97</sup> General Assembly resolution 49/59, annex.

<sup>98</sup> S/PRST/2000/4.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>99</sup>

“The Security Council welcomes the protocol signed by the Government of Croatia and the Government of the Federal Republic of Yugoslavia on 10 December 2002, establishing a provisional cross-border regime on the Prevlaka peninsula, as referred to in the letter from their representatives dated 10 December 2002.<sup>100</sup> The protocol represents a further step forward in the process of strengthening confidence and good-neighbourly relations between both countries. The Council welcomes the commitment of both Governments to continue negotiations on Prevlaka with a view to amicably resolving all outstanding issues, and commends their diplomatic efforts to bolster peace and stability in the region.

“The Council commends the important role played by the United Nations Mission of Observers in Prevlaka in helping to create conditions conducive to a negotiated settlement of the dispute. The Council takes this opportunity to express its appreciation for the efforts of all Mission personnel, past and present, and its gratitude to those countries that contributed personnel or other resources in the successful completion of its mandate.”

### C. The situation in Bosnia and Herzegovina<sup>101</sup>

#### Decisions

At its 4631st meeting, on 23 October 2002, the Security Council decided to invite the representatives of Bosnia and Herzegovina, Croatia, Denmark, Japan, Slovenia, Ukraine and Yugoslavia to participate, without vote, in the discussion of the item entitled:

“The situation in Bosnia and Herzegovina

“Letter dated 18 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1176)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Lord Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, and Mr. Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina.

At its 4661st meeting, on 12 December 2002, the Council considered the item entitled:

“The situation in Bosnia and Herzegovina

“Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/1314)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 37 of its provisional rules of procedure, to the Presidency and the Prime Minister of Bosnia and Herzegovina.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure,

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<sup>99</sup> S/PRST/2002/34.

<sup>100</sup> S/2002/1348.

<sup>101</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1992 to 2001 and during the period from 1 January to 31 July 2002.

to Mr. Jacques Paul Klein, Special Representative of the Secretary-General for Bosnia and Herzegovina and Chief of Mission.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>102</sup>

“The Security Council welcomes the briefing by the Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina.

“The Council reaffirms its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the ‘Peace Agreement’),<sup>103</sup> as well as the relevant decisions of the Peace Implementation Council.

“The Council takes this opportunity to express its deep appreciation for the efforts of the Secretary-General, his Special Representative Mr. Jacques Paul Klein and the personnel of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for their contributions to the implementation of the Peace Agreement. The Council highly appreciates the achievements of cooperative efforts in bringing about the successful conclusion of the mandate of the Mission, which will expire on 31 December 2002, and expresses its thanks to all of the countries which took part in and contributed to the accomplishments of the Mission.

“The Council welcomes the decision of the European Union to send a Police Mission to Bosnia and Herzegovina from 1 January 2003, as part of a broader rule of law approach, as well as the close coordination among all those concerned to ensure a seamless transition of responsibilities from the International Police Task Force to the European Union Police Mission, with the participation of the interested States non-members of the European Union.

“The Council reiterates that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and all reforms needed to rebuild a civil society.

“The Council reaffirms its commitment to the principles of the sovereignty and territorial integrity and inviolability of the borders of Bosnia and Herzegovina. The Council encourages continued commitment by Bosnia and Herzegovina to the promotion of peace and stability in the region, including through enhanced political and economical cooperation.

“The Council expresses its intention to keep the implementation of the Peace Agreement, and the situation in Bosnia and Herzegovina under review. The Council invites the European Union to keep it regularly informed as appropriate on the activities of the European Union Police Mission.”

At its 4786th meeting, on 11 July 2003, the Council decided to invite the representative of Bosnia and Herzegovina to participate, without vote, in the discussion of the item entitled “The situation in Bosnia and Herzegovina”.

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<sup>102</sup> S/PRST/2002/33.

<sup>103</sup> S/1995/999, annex.

**Resolution 1491 (2003)  
of 11 July 2003**

*The Security Council,*

*Recalling* all its relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements by its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996 and 1423 (2002) of 12 July 2002,

*Reaffirming its commitment* to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

*Emphasizing its full support* for the continued role in Bosnia and Herzegovina of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina,

*Underlining its commitment* to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”),<sup>103</sup> as well as the relevant decisions of the Peace Implementation Council,

*Emphasizing its appreciation* to the High Representative, the Commander and personnel of the multinational Stabilization Force, the Organization for Security and Cooperation in Europe, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

*Emphasizing* that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

*Recalling* the declarations of the ministerial meetings of the Peace Implementation Council,

*Taking note* of the reports of the High Representative, including his latest report of 16 October 2002,<sup>104</sup>

*Determining* that the situation in the region continues to constitute a threat to international peace and security,

*Determined* to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

*Recalling* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994<sup>97</sup> and the statement by its President of 9 February 2000,<sup>98</sup>

*Welcoming and encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

*Acting* under Chapter VII of the Charter,

**I**

1. *Reaffirms once again its support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”),<sup>103</sup> as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995,<sup>105</sup> calls upon the parties to comply strictly with their obligations under those Agreements, and expresses its intention to keep the implementation of the Peace Agreement, and the situation in Bosnia and Herzegovina, under review;

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<sup>104</sup> See S/2002/1176, annex.

<sup>105</sup> S/1995/1021, annex.



2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in strengthening joint institutions which foster the building of a fully functioning self-sustaining State able to integrate itself into the European structures, and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the Tribunal includes, inter alia, the surrender for trial of all persons indicted by the Tribunal and the provision of information to assist in Tribunal investigations;

4. *Emphasizes its full support* for the continued role of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;<sup>106</sup>

5. *Expresses its support* for the declarations of the ministerial meetings of the Peace Implementation Council;

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

7. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 20 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

## II

8. *Pays tribute* to those Member States which participated in the multinational Stabilization Force established in accordance with its resolution 1088 (1996), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational stabilization force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the Force, set out in the declaration of the ministerial meeting of the Peace Implementation Council in Madrid on 16 December 1998;<sup>107</sup>

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<sup>106</sup> See S/1997/979, annex, sect. XI.

<sup>107</sup> S/1999/139, appendix.

10. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue for a further planned period of twelve months the Force as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement, and expresses its intention to review the situation with a view to extending this authorization further, as necessary, in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Also authorizes* the Member States acting under paragraph 10 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Force as may be necessary to ensure implementation of that annex and the protection of the Force, and takes note that the parties have consented to the Force taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of the Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

13. *Authorizes* the Member States acting under paragraph 10 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures established by the Commander of the Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Force to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

15. *Demands* that the parties respect the security and freedom of movement of the Force and other international personnel;

16. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

18. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue to report to the Security Council, through the appropriate channels and at least at monthly intervals;

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19. *Welcomes* the deployment by the European Union of its Police Mission to Bosnia and Herzegovina since 1 January 2003;

20. *Requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996,<sup>108</sup> and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

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<sup>108</sup> See S/1996/1012, annex.

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

*Adopted unanimously at the 4786th meeting.*

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**ITEMS RELATING TO THREATS TO INTERNATIONAL PEACE  
AND SECURITY CAUSED BY TERRORIST ACTS**

**A. High-level meeting of the Security Council on the anniversary  
of 11 September 2001: acts of international terrorism**

**Decisions**

At its 4607th meeting, on 11 September 2002, the Security Council considered the item entitled "High-level meeting of the Security Council on the anniversary of 11 September 2001: acts of international terrorism".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>109</sup>

"The Security Council meets today in remembrance and resolve. One year ago, infamous and horrifying acts of terrorism took almost 3,000 innocent lives. They included nationals of half the countries of the world. These attacks changed the way we see our world. Today, the Council honours those innocents killed and injured in the attacks of 11 September 2001. The Council expresses solidarity with their families.

"New York is the home of the United Nations. The Council admires this city's determination to forge ahead, to rebuild, not to give in to terrorism. The deaths and destruction of 11 September strengthen our common bonds and aspirations. The Council affirms that these attacks were an assault on global civilization and our common efforts to make the world a better and safer place. The world saw terrorists use civilian aircraft for mass murder. They struck at the ideals embodied in the Charter of the United Nations. The attacks challenged each Member to rise to the task of defeating terrorism, which has claimed victims in all corners of the world.

"Following 11 September 2001, both the General Assembly and the Council reacted in outrage and condemnation. They demanded that those responsible for these crimes be brought to justice. The Council described such acts, like any acts of international terrorism, as threats to international peace and security.

"The international community has responded to the atrocities of 11 September with unyielding determination. A broad coalition of States has taken action against the Taliban, al-Qa'idah, and their supporters. It did so in defence of common values and common security. Consistent with the high purposes of this institution and the provisions of the Charter, the coalition continues to pursue those responsible.

"The international community as a whole provides vital support as Afghans rebuild their country. The Council applauds the efforts of so many from every continent and corner of the world. And, today, the Council also honours those who died in this common effort.

"The Council gave substance to its determination to combat international terrorism with its historic resolution 1373 (2001) of 28 September 2001. In it, we made the fight against terrorism a mandatory obligation of the international community, consistent with the Charter and international law. The Counter-Terrorism Committee of the Council promotes

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<sup>109</sup> S/PRST/2002/25.

cooperation and works to achieve the effective implementation of resolution 1373 (2001). The Council has also established and oversees the worldwide sanctions regime against al-Qa`idah and the Taliban.

“The Council calls upon all States and regional and subregional organizations to carry forward and build on their cooperation with the Counter-Terrorism Committee and the Security Council Committee established pursuant to resolution 1267 (1999).

“The threat is real, the challenge is enormous, and the fight against terrorism will be long. The Council will remain steadfast against the threat that endangers all that has been achieved, and all that remains to be achieved, to fulfil the purposes and principles of the United Nations for all people everywhere.

“Now let us all remember and reflect with a minute of silence.”

## **B. Threats to international peace and security caused by terrorist acts<sup>110</sup>**

### **Decisions**

At its 4618th meeting, on 4 October 2002, the Security Council decided to invite the representatives of Australia, Burkina Faso, Cambodia, Costa Rica, the Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, Fiji, Georgia, India, the Islamic Republic of Iran, Israel, Japan, Kazakhstan, Liechtenstein, Nepal, Pakistan, Peru, the Philippines, Qatar, the Republic of Korea, South Africa, Tunisia, Turkey, Ukraine, Yemen, Yugoslavia and Zambia to participate, without vote, in the discussion of the item entitled “Threats to international peace and security caused by terrorist acts”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Sir Jeremy Greenstock, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

At the same meeting, in response to the request dated 2 October 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council,<sup>111</sup> the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations.

At the same meeting, in response to the request dated 4 October 2002 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council,<sup>112</sup> the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Amadou Kébé, Permanent Observer of the African Union to the United Nations.

Upon resumption of the meeting, on 8 October 2002, the Council also decided to invite the representative of Lebanon to participate, without vote, in the discussion of the item.

At its 4619th meeting, on 8 October 2002, the Council considered the item entitled “Threats to international peace and security caused by terrorist acts”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>113</sup>

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<sup>110</sup> Resolutions or decisions on this question were also adopted by the Security Council in the year 2001 and during the period from 1 January to 31 July 2002.

<sup>111</sup> Document S/2002/1105, incorporated in the record of the 4618th meeting.

<sup>112</sup> Document S/2002/1112, incorporated in the record of the 4618th meeting.

<sup>113</sup> S/PRST/2002/26.

“The Security Council welcomes the briefing by the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) (the Counter-Terrorism Committee) on the work of the Committee in the year since its establishment, and other reflections by members of the Committee.

“The Council recalls the statement by its President of 15 April 2002, which recorded the intention of the Council to review the structure and activities of the Counter-Terrorism Committee no later than 4 October 2002.<sup>114</sup> The Council confirms the continuation of the current arrangements for the Bureau of the Committee for a further six months. It invites the Committee to pursue its agenda as set out in the work programme for the Committee for the fifth 90-day period,<sup>115</sup> focusing on ensuring that all States have legislation in place covering all aspects of resolution 1373 (2001), a process in hand for ratifying as soon as possible the 12 international conventions and protocols relating to terrorism, and effective executive machinery for preventing and suppressing terrorism financing; exploring ways in which States can be assisted to implement resolution 1373 (2001), in particular in the areas of primary focus; and building a dialogue with international, regional and subregional organizations active in the areas covered by the resolution. The Council invites these organizations to continue to find ways of improving their collective action against terrorism and, where appropriate, to work with donor States to establish suitable programmes.

“The Council notes with satisfaction that 174 Member States and 5 others have submitted a report to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001). It calls upon the 17 Member States which have not yet submitted a report to do so urgently.

“The Council invites the Counter-Terrorism Committee to report on its activities at regular intervals and expresses its intention to review the structure and activities of the Committee no later than 4 April 2003.”

At its 4624th meeting, on 14 October 2002, the Council considered the item entitled “Threats to international peace and security caused by terrorist acts”.

**Resolution 1438 (2002)  
of 14 October 2002**

*The Security Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular 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 Bali, Indonesia, on 12 October 2002 in which so many lives were lost and people injured, as well as other recent terrorist acts in various countries, and regards such acts, like any act of international terrorism, as a threat to international peace and security;
2. *Expresses its deepest sympathy and condolences* to the Government and people of Indonesia and to the victims of the bomb attacks and their families;
3. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to work together urgently and to cooperate with and provide support and assistance, as appropriate, to the Indonesian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of these terrorist attacks;

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<sup>114</sup> S/PRST/2002/10.

<sup>115</sup> S/2002/1075, annex.

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

*Adopted unanimously at the 4624th meeting.*

#### **Decision**

At its 4632nd meeting, on 24 October 2002, the Security Council considered the item entitled “Threats to international peace and security caused by terrorist acts”.

#### **Resolution 1440 (2002) of 24 October 2002**

*The Security Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular 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 heinous act of taking hostages in Moscow on 23 October 2002, as well as other recent terrorist acts in various countries, and regards such acts, like any act of international terrorism, as a threat to international peace and security;

2. *Demands* the immediate and unconditional release of all hostages in this terrorist act;

3. *Expresses its deepest sympathy and condolences* to the people and the Government of the Russian Federation and to the victims of the terrorist attack and their families;

4. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to cooperate with the Russian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of this terrorist attack;

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

*Adopted unanimously at the 4632nd meeting.*

#### **Decision**

At its 4667th meeting, on 13 December 2002, the Security Council considered the item entitled “Threats to international peace and security caused by terrorist acts”.

#### **Resolution 1450 (2002) of 13 December 2002**

*The Security Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular its resolutions 1189 (1998) of 13 August 1998, 1269 (1999) of 19 October 1999, 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001,

*Recalling* the obligations of States parties to the International Convention for the Suppression of Terrorist Bombings<sup>116</sup> and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation,<sup>117</sup>

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<sup>116</sup> General Assembly resolution 52/164, annex.

<sup>117</sup> United Nations, *Treaty Series*, vol. 974, No. 14118.

*Deploing* the 2 December and 8 December 2002 claims of responsibility by al-Qa`idah for the acts of terror perpetrated in Kenya on 28 November 2002, and reaffirming the obligations of all States under resolution 1390 (2002) of 16 January 2002,

*Reaffirming* 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 terrorist bomb attack at the Paradise Hotel, in Kikambala, Kenya, and the attempted missile attack on Arkia Israeli Airlines flight 582 departing Mombasa, Kenya, on 28 November 2002, as well as other recent terrorist acts in various countries, and regards such acts, like any act of international terrorism, as a threat to international peace and security;

2. *Expresses its deepest sympathy and condolences* to the people and the Governments of Kenya and Israel and to the victims of the terrorist attack and their families;

3. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to cooperate 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.

*Adopted at the 4667th meeting  
by 14 votes to 1 (Syrian Arab Republic).*

### Decisions

At its 4672nd meeting, on 17 December 2002, the Security Council considered the item entitled "Threats to international peace and security caused by terrorist acts".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>118</sup>

"The Security Council recalls the statement by its President of 8 October 2002<sup>113</sup> concerning the work programme of the Security Council Committee established pursuant to resolution 1373 (2001) (the Counter-Terrorism Committee).<sup>115</sup>

"The Council notes the key role to be played by international, regional and subregional organizations in supporting government capacity-strengthening on counter-terrorism and in furthering the implementation of resolution 1373 (2001). It encourages the Counter-Terrorism Committee to build a dialogue with and encourage a dialogue between such organizations active in the areas covered by that resolution.

"In this context, the Council requests the Counter-Terrorism Committee, with a view to improving the flow of information on experiences, standards and best practice, and to coordinating ongoing activity, to invite all relevant international, regional and subregional organizations:

"(a) To contribute to a report information on their activities in the area of counter-terrorism;

"(b) To send a representative to attend a special meeting of the Counter-Terrorism Committee with international, regional and subregional organizations on 7 March 2003.

"The Council invites the Counter-Terrorism Committee to report on developments at regular intervals."

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<sup>118</sup> S/PRST/2002/38.

At its 4678th meeting, on 20 December 2002, the Council considered the item entitled “Threats to international peace and security caused by terrorist acts”.

**Resolution 1452 (2002)  
of 20 December 2002**

*The Security Council,*

*Recalling* its resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1363 (2001) of 30 July 2001 and 1390 (2002) of 16 January 2002,

*Expressing its determination* to facilitate the implementation of counter-terrorism obligations in accordance with relevant Security Council resolutions,

*Reaffirming* its resolution 1373 (2001) of 28 September 2001, and reiterating its support for international efforts to root out terrorism, in accordance with the Charter of the United Nations,

*Acting* under Chapter VII of the Charter,

1. *Decides* that the provisions of paragraph 4 (b) of resolution 1267 (1999), and paragraphs 1 and 2 (a) of resolution 1390 (2002), do not apply to funds and other financial assets or economic resources that have been determined by the relevant State(s) to be:

(a) Necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after notification by the relevant State(s) to the Security Council Committee established pursuant to resolution 1267 (1999) (hereinafter referred to as “the Committee”) of the intention to authorize, where appropriate, access to such funds, assets or resources and in the absence of a negative decision by the Committee within forty-eight hours of such notification;

(b) Necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee;

2. *Also decides* that all States may allow for the addition to accounts subject to the provisions of paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002) of:

(a) Interest or other earnings due on those accounts; or

(b) Payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of resolutions 1267 (1999), 1333 (2000), or 1390 (2002), provided that any such interest, other earnings and payments continue to be subject to those provisions;

3. *Further decides* that the Committee shall, in addition to the tasks set forth in paragraph 6 of resolution 1267 (1999) and paragraph 5 of resolution 1390 (2002):

(a) Maintain and regularly update a list of the States that have notified the Committee of their intent to apply the provisions of paragraph 1 (a) above in their implementation of the relevant resolutions and as to which there was no negative decision by the Committee; and

(b) Consider and approve, if appropriate, requests for extraordinary expenses as provided for in paragraph 1 (b) above;

4. *Decides* that the exception provided for in paragraph 4 (b) of resolution 1267 (1999) shall cease to have effect from the date of adoption of the present resolution;

5. *Urges* Member States to take full account of the considerations set out above in their implementation of resolution 1373 (2001);



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

*Adopted unanimously at the 4678th meeting.*

### **Decision**

At its 4686th meeting, on 17 January 2003, the Security Council considered the item entitled “Threats to international peace and security caused by terrorist acts”.

### **Resolution 1455 (2003) of 17 January 2003**

*The Security Council,*

*Recalling* its resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1363 (2001) of 30 July 2001, 1373 (2001) of 28 September 2001, 1390 (2002) of 16 January 2002 and 1452 (2002) of 20 December 2002,

*Underlining* the obligation placed upon all Member States to implement, in full, resolution 1373 (2001), including with regard to any member of the Taliban and al-Qa`idah, and any individuals, groups, undertakings and entities associated with the Taliban and al-Qa`idah, who have participated in the financing, planning, facilitating and preparation or perpetration of terrorist acts or in supporting terrorist acts, as well as to facilitate the implementation of counter-terrorism obligations in accordance with relevant Security Council resolutions,

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

*Noting* that, in giving effect to the measures in paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002), full account is to be taken of the provisions of paragraphs 1 and 2 of resolution 1452 (2002),

*Reiterating its condemnation* of the al-Qa`idah network and other associated terrorist groups for ongoing and multiple criminal terrorist acts, aimed at causing the deaths of innocent civilians, and other victims, and the destruction of property,

*Reiterating its unequivocal condemnation* of all forms of terrorism and terrorist acts as noted in resolutions 1368 (2001) of 12 September 2001, 1438 (2002) of 14 October 2002, 1440 (2002) of 24 October 2002 and 1450 (2002) of 13 December 2002,

*Reaffirming* that acts of international terrorism constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter,

1. *Decides* to improve the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002);

2. *Also decides* that the measures referred to in paragraph 1 above will be further improved in twelve months, or sooner if necessary;

3. *Stresses* the need for improved coordination and increased exchange of information between the Security Council Committee established pursuant to resolution 1267 (1999) (hereinafter referred to as “the Committee”) and the Security Council Committee established pursuant to resolution 1373 (2001);

4. *Requests* the Committee to communicate to Member States the list referred to in paragraph 2 of resolution 1390 (2002) at least every three months, and stresses to all Member States the importance of submitting to the Committee the names of and identifying information, to the extent possible, about members of al-Qa`idah and the Taliban and other individuals, groups, undertakings and entities associated with them so that the Committee can consider adding new

names and details to its list, unless to do so would compromise investigations or enforcement actions;

5. *Calls upon* all States to continue to take urgent steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating in their territory to prevent and punish violations of the measures referred to in paragraph 1 above, and to inform the Committee of the adoption of such measures, and invites States to report the results of all related investigations or enforcement actions to the Committee, unless to do so would compromise the investigations or enforcement actions;

6. *Also calls upon* all States to submit an updated report to the Committee no later than ninety days from the adoption of the present resolution on all steps taken to implement the measures referred to in paragraph 1 above and all related investigations and enforcement actions, including a comprehensive summary of frozen assets of listed individuals and entities within the territories of Member States, unless to do so would compromise investigations or enforcement actions;

7. *Calls upon* all States, relevant United Nations bodies, and, as appropriate, other organizations and interested parties to cooperate fully with the Committee and with the Monitoring Group referred to in paragraph 8 below, including by supplying such information as may be sought by the Committee pursuant to all pertinent resolutions and by providing all relevant information, to the extent possible, to facilitate proper identification of all listed individuals and entities;

8. *Requests* the Secretary-General, upon adoption of the present resolution and acting in consultation with the Committee, to reappoint five experts, drawing, as much as possible and as appropriate, on the expertise of the members of the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001), to monitor for a further period of twelve months the implementation of the measures referred to in paragraph 1 above and to follow up relevant leads relating to any incomplete implementation of those measures;

9. *Requests* the Chairman of the Committee to report orally at least every ninety days to the Council in detail on the overall work of the Committee and the Monitoring Group, and stipulates that these updates shall include a summary of progress in submitting the reports referred to in paragraph 6 of resolution 1390 (2002) and paragraph 6 above;

10. *Requests* the Secretary-General to ensure that the Monitoring Group and the Committee and its Chairman have access to sufficient expertise and resources as and when required to assist in the discharge of their responsibilities;

11. *Requests* the Committee to consider, where and when appropriate, a visit to selected countries by the Chairman of the Committee and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to implement all relevant Council resolutions;

12. *Requests* the Monitoring Group to submit a detailed work programme within thirty days of the adoption of the present resolution and to assist the Committee in providing guidance for Member States on the format of the reports referred to in paragraph 6 above;

13. *Also requests* the Monitoring Group to submit two written reports to the Committee, the first by 15 June 2003 and the second by 1 November 2003, on implementation of the measures referred to in paragraph 1 above and to brief the Committee when the Committee so requests;

14. *Requests* the Committee, through its Chairman, to provide the Council by 1 August 2003 and by 15 December 2003 with detailed oral assessments of implementation by Member States of the measures referred to in paragraph 1 above based on reports by Member States referred to in paragraph 6 above, paragraph 6 of resolution 1390 (2002) and all pertinent parts of reports submitted by Member States under resolution 1373 (2001), and in line with transparent criteria to be determined by the Committee and communicated to all Member States, in addition to

considering supplementary recommendations by the Monitoring Group, with a view to recommending further measures for consideration by the Council to improve the measures referred to in paragraph 1 above;

15. *Also requests* the Committee, based on its oral assessments, through its Chairman, to the Council referred to in paragraph 14 above, to prepare and circulate a written assessment to the Council of actions taken by States to implement the measures referred to in paragraph 1 above;

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

*Adopted unanimously at the 4686th meeting.*

### **Decision**

At its 4706th meeting, on 13 February 2003, the Security Council decided to invite the representative of Colombia to participate, without vote, in the discussion of the item entitled "Threats to international peace and security caused by terrorist acts".

### **Resolution 1465 (2003) of 13 February 2003**

*The Security Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular 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 attack in Bogotá on 7 February 2003 in which many lives were lost and people injured, and regards such an act, like any act of terrorism, as a threat to peace and security;

2. *Expresses its deepest sympathy and condolences* to the people and the Government of Colombia and to the victims of the bomb attack and their families;

3. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to work together urgently and to cooperate with and provide support and assistance, as appropriate, to the Colombian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of this terrorist attack;

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

*Adopted unanimously at the 4706th meeting.*

### **Decisions**

At its 4710th meeting, on 20 February 2003, the Security Council decided to invite the representatives of Albania, Argentina, Australia, Bahrain, Belarus, Canada, Colombia, Croatia, Cuba, Egypt, El Salvador, Fiji, Greece, the Islamic Republic of Iran, Israel, Japan, Liechtenstein, Myanmar, Peru, South Africa, Turkey, Ukraine and Yemen to participate, without vote, in the discussion of the item entitled "Threats to international peace and security caused by terrorist acts".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Sir Jeremy Greenstock, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

At its 4734th meeting, on 4 April 2003, the Council decided to invite the representatives of Australia, Belarus, Brazil, Cambodia, Colombia, Fiji, Greece, India, Israel, Japan, Norway, Peru,

the Philippines and the Republic of Korea to participate, without vote, in the discussion of the item entitled “Threats to international peace and security caused by terrorist acts”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Sir Jeremy Greenstock, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

Upon resumption of the meeting, on 4 April 2003, the Council further decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>119</sup>

“The Security Council welcomes the briefing by the Chairman of the Counter-Terrorism Committee on the work of the Committee.

“The Council recalls the statement by its President of 8 October 2002,<sup>113</sup> which recorded the intention of the Council to review the structure and activities of the Counter-Terrorism Committee no later than 4 April 2003. The Council thanks Sir Jeremy Greenstock, of the United Kingdom of Great Britain and Northern Ireland, for his chairmanship of the Committee during the first 18 months of its work, and confirms the appointment of Mr. Arias, of Spain, as the new Chairman. The Council also confirms the continuation in office of Mr. Gaspar Martins, of Angola, Mr. Aguilar Zinser, of Mexico, and Mr. Lavrov, of the Russian Federation, as Vice-Chairmen of the Committee.

“The Council invites the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the Committee for the seventh 90-day period.<sup>120</sup>

“The Council notes that 3 States have not yet submitted a report to the Counter-Terrorism Committee, and that 51 Member States are late in submitting a further report, in contravention of the requirements set out in resolution 1373 (2001) of 28 September 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 no later than 4 October 2003.”

At its 4752nd meeting, on 6 May 2003, the Council considered the item entitled “Threats to international peace and security caused by terrorist acts”.

At its 4792nd meeting, on 23 July 2003, the Council decided to invite the representatives of Colombia, Indonesia, Israel, Italy, Japan, Nepal, Peru, the Republic of Korea, Uganda and Ukraine to participate, without vote, in the discussion of the item entitled “Threats to international peace and security caused by terrorist acts”.

At its 4798th meeting, on 29 July 2003, the Council decided to invite the representatives of Argentina, Australia, Colombia, India, Israel, Italy, Japan, Liechtenstein and Ukraine to participate, without vote, in the discussion of the item entitled “Threats to international peace and security caused by terrorist acts”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Heraldo Muñoz, Chairman of the Security Council Committee established pursuant to

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<sup>119</sup> S/PRST/2003/3.

<sup>120</sup> S/2003/387, annex.

resolution 1267 (1999), and Mr. Michael Chandler, Chairman of the Monitoring Group established pursuant to resolution 1363 (2001).

### **C. High-level meeting of the Security Council: combating terrorism**

#### **Decisions**

At its 4688th meeting, at the level of Ministers for Foreign Affairs, on 20 January 2003, the Security Council considered the item entitled "High-level meeting of the Security Council: combating terrorism".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Sir Jeremy Greenstock, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

#### **Resolution 1456 (2003) of 20 January 2003**

*The Security Council*

*Decides* to adopt the attached declaration on the issue of combating terrorism.

*Adopted unanimously at the 4688th meeting.*

#### **Annex**

*The Security Council,*

*Meeting* at the level of Ministers for Foreign Affairs on 20 January 2003, reaffirms that:

(a) Terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security;

(b) Any acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed and are to be unequivocally condemned, especially when they indiscriminately target or injure civilians;

(c) There is a serious and growing danger of terrorist access to and use of nuclear, chemical, biological and other potentially deadly materials, and therefore a need to strengthen controls on these materials;

(d) It has become easier, in an increasingly globalized world, for terrorists to exploit sophisticated technology, communications and resources for their criminal objectives;

(e) Measures to detect and stem the flow of finance and funds for terrorist purposes must be urgently strengthened;

(f) Terrorists must also be prevented from making use of other criminal activities such as transnational organized crime, illicit drugs and drug trafficking, money-laundering and illicit arms trafficking;

(g) Since terrorists and their supporters exploit instability and intolerance to justify their criminal acts, the Council is determined to counter this by contributing to the peaceful resolution of disputes and by working to create a climate of mutual tolerance and respect;

(h) Terrorism can only be defeated, in accordance with the Charter of the United Nations and international law, by a sustained comprehensive approach involving the active participation and collaboration of all States and international and regional organizations, and by redoubled efforts at the national level.

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The Council therefore calls for the following steps to be taken:

1. All States must take urgent action to prevent and suppress all active and passive support to terrorism, and, in particular, comply fully with all relevant resolutions of the Council, in particular resolutions 1373 (2001) of 28 September 2001, 1390 (2002) of 16 January 2002 and 1455 (2003) of 17 January 2003;
2. The Council calls upon States:
  - (a) To become parties, as a matter of urgency, to all relevant international conventions and protocols relating to terrorism, in particular the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999,<sup>121</sup> 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 becoming available;
  - (b) To assist each other, to the maximum extent possible, in the prevention, investigation, prosecution and punishment of acts of terrorism, wherever they occur;
  - (c) To cooperate closely to implement fully the sanctions against terrorists and their associates, in particular al-Qa`idah and the Taliban and their associates, as reflected in resolutions 1267 (1999) of 15 October 1999, 1390 (2002) and 1455 (2003), to take urgent actions to deny them access to the financial resources they need to carry out their actions, and to cooperate fully with the Monitoring Group established pursuant to resolution 1363 (2001);
3. States must bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute;
4. The Counter-Terrorism Committee must intensify its efforts to promote the implementation by Member States of all aspects of resolution 1373 (2001), in particular by reviewing reports by States and facilitating international assistance and cooperation, and by continuing to operate in a transparent and effective manner, and in that regard the Council:
  - (a) Stresses the obligation of States to report to the Committee, according to the timetable set by the Committee, calls upon the 13 States that have not yet submitted a first report and on the 56 States that are late in submitting further reports to do so by 31 March, and requests the Committee to report regularly on progress;
  - (b) Calls upon States to respond promptly and fully to the requests for information, comments and questions of the Committee in full and on time, and instructs the Committee to inform the Council of progress, including any difficulties it encounters;
  - (c) Requests the Committee, in monitoring the implementation of resolution 1373 (2001), to bear in mind all international best practices, codes and standards which are relevant to the implementation of resolution 1373 (2001), and underlines its support for the approach of the Committee in constructing a dialogue with each State on further action required to implement fully resolution 1373 (2001);
5. States should assist each other to improve their capacity to prevent and fight terrorism, and notes that such cooperation will help to facilitate the full and timely implementation of resolution 1373 (2001), and invites the Counter-Terrorism Committee to step up its efforts to facilitate the provision of technical and other assistance by developing targets and priorities for global action;
6. States 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;

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<sup>121</sup> General Assembly resolution 54/109, annex.

7. International organizations should evaluate ways in which they can enhance the effectiveness of their action against terrorism, including by establishing dialogue and exchanges of information with each other and with other relevant international actors, and directs this appeal in particular to those technical agencies and organizations whose activities relate to the control of the use of or access to nuclear, chemical, biological and other deadly materials; in this context the importance of fully complying with existing legal obligations in the field of disarmament, arms limitation and non-proliferation and, where necessary, strengthening international instruments in this field should be underlined;

8. Regional and subregional organizations should work with the Counter-Terrorism Committee and other international organizations to facilitate sharing of best practice in the fight against terrorism, and to assist their members in fulfilling their obligation to combat terrorism;

9. Those participating in the special meeting of the Counter-Terrorism Committee with international, regional and subregional organizations on 7 March 2003 should use that opportunity to make urgent progress on the matters referred to in the present declaration which involve the work of such organizations;

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The Council also:

10. Emphasizes that continuing international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, to strengthen further the campaign against terrorism and to address unresolved regional conflicts and the full range of global issues, including development issues, will contribute to international cooperation and collaboration, which by themselves are necessary to sustain the broadest possible fight against terrorism;

11. Reaffirms its strong determination to intensify its fight against terrorism in accordance with its responsibilities under the Charter, takes note of the contributions made during its meeting on 20 January 2003 with a view to enhancing the role of the United Nations in this regard, and invites Member States to make further contributions to this end;

12. Invites the Secretary-General to submit within 28 days a report summarizing any proposals made during its ministerial meeting and any commentary or response to these proposals by any member of the Council;

13. Encourages States Members of the United Nations to cooperate in resolving all outstanding issues with a view to the adoption, by consensus, of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism;

14. Decides to review actions taken towards the realization of the present declaration at further meetings of the Council.

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## THE SITUATION IN BURUNDI<sup>122</sup>

### Decisions

At its 4609th meeting, held in private on 17 September 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

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<sup>122</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1993 to 2001 and during the period from 1 January to 31 July 2002.

“At its 4609th meeting, held in private on 17 September 2002, the Security Council considered the item entitled ‘The situation in Burundi’.

“The President, with the consent of the Council, invited Mr. T rence Sinunguruza, Minister for External Relations and Cooperation of Burundi, to participate in the discussion in accordance with rule 37 of the provisional rules of procedure of the Council.

“The Minister for External Relations and Cooperation of Burundi and the members of the Council had a constructive discussion.”

At its 4655th meeting, on 4 December 2002, the Council decided to invite the representative of Burundi to participate, without vote, in the discussion of the item entitled “The situation in Burundi”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 37 of its provisional rules of procedure, to Mr. Jacob Zuma, Deputy President of the Republic of South Africa.

At its 4675th meeting, on 18 December 2002, the Council decided to invite the representative of Burundi to participate, without vote, in the discussion of the item entitled:

“The situation in Burundi

“Report of the Secretary-General to the Security Council on the situation in Burundi (S/2002/1259)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>123</sup>

“The Security Council welcomes the signing of the Ceasefire Agreement between the Transitional Government of Burundi and the Conseil national pour la d fense de la d mocratie-Front de d fense de la d mocratie, in Arusha, United Republic of Tanzania, on 2 December 2002 (the Ceasefire Agreement). It pays tribute to the courageous and responsible decision by the President of the Transitional Government of Burundi, Major Pierre Buyoya, and by the legal representative of the Conseil national pour la d fense de la d mocratie-Front de d fense de la d mocratie, Mr. Pierre Nkurunziza, to sign the agreement. It welcomes their decision to implement the truce immediately, while finalizing all pending political issues within the time limits set by the Agreement.

“The Council supports the decision taken at the nineteenth regional Heads of State Summit of the Regional Initiative, held in Arusha on 1 and 2 December 2002, to direct the Parti pour la lib ration du peuple hutu-Forces nationales de lib ration to enter into negotiation immediately and conclude a ceasefire agreement by 30 December 2002, or face the consequences. In this regard, the Council strongly urges the Forces nationales de lib ration, under the leadership of Mr. Agathon Rwasa, to put an end immediately to the hostilities, to sign a ceasefire agreement and to commit themselves to political negotiations. It recalls that the settlement of the crisis in Burundi depends on a political solution and that only a negotiated settlement within the framework of the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000 will enable the country to restore stability, in accordance with the will of the Burundian people.

“The Council expresses its intention to support the immediate and full implementation of the agreements between the Burundian parties, in particular the Ceasefire Agreement of 2 December 2002. It requests the Secretary-General to study ways of responding positively and with urgency to the requests of the Burundian parties and of the Facilitator of the Burundi Peace Process, Mr. Jacob Zuma, Deputy President of the Republic of South Africa, in particular with regard to:

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<sup>123</sup> S/PRST/2002/40.



- Any expertise and advice which the Secretariat could provide to facilitate the definition of the mandate and the deployment of the African mission provided for in the Ceasefire Agreement;
- Facilitation of logistical assistance to the deployment of this mission;
- Mobilization and coordination of donor contributions;
- Designation, at the request of the parties, of a person to chair the Joint Ceasefire Commission.

“The Council emphasizes the merits of cooperation between the African mission and the United Nations Organization Mission in the Democratic Republic of the Congo, in particular in the border area.

“The Council expresses its thanks for the historic role played by former President Nelson Mandela, and pays tribute to and expresses its full support for the efforts of South Africa, in particular its Deputy President, Mr. Zuma, Facilitator of the Burundi peace process. It pays tribute to the role of the African Union. It also pays tribute to the efforts of the United Republic of Tanzania and President Benjamin Mkapa, of President El Hadj Omar Bongo of the Gabonese Republic, President Yoweri Kaguta Museveni of the Republic of Uganda, and the other Regional Initiative countries. The Council also expresses its full support for the action taken by the Special Representative of the Secretary-General for Burundi and approves the recommendations of the Secretary-General, contained in paragraphs 47 to 51 of his report of 18 November 2002,<sup>124</sup> with a view to increasing the resources of the United Nations Office in Burundi.

“The Council recalls that the responsibility for the Burundi peace process lies primarily with the Burundian parties themselves. The parties must agree without further delay upon the modalities of the reform of the Army, as well as the political issues mentioned in annex 2 to the Ceasefire Agreement. The Council requests the parties to continue to respect their commitments. The Council condemns the human rights violations that have taken place in Burundi and calls for the perpetrators to be brought to justice.

“The Council recalls the joint communiqué issued by the Governments of Burundi and the Democratic Republic of the Congo on 7 January 2002<sup>125</sup> expressing their intent to normalize their relations. It calls upon them to finalize and implement an accord, as soon as possible, ensuring that the territory of the Democratic Republic of the Congo will not be used for armed attacks against Burundi as well as ensuring the effective withdrawal of Burundian troops from Congolese territory. The Council also notes that, as the Burundian parties have taken the bold step of reaching the Ceasefire Agreement, it stands ready to consider steps against States that are found to continue to support armed attacks by the Burundi rebels.

“The Council recalls that the support of the international community, in particular financial support, is critical to the success of the peace process. In that regard, it welcomes the success of the donor round table organized in Geneva on 27 and 28 November 2002, and calls upon donors to respond urgently to the significant progress made recently and to disburse fully the contributions promised so far. In particular, it calls upon donors to provide the necessary financial assistance to facilitate the return to development and financial stability, and to consolidate the substantial efforts deployed by the Burundian authorities in this regard.

“The Council pays tribute to the donors that are supporting the deployment of the South African Special Protection Unit, encourages them to continue their efforts and calls

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<sup>124</sup> S/2002/1259.

<sup>125</sup> S/2002/36.

upon the donor community to mobilize to help the countries concerned to set up, as soon as possible and in liaison with the United Nations, the African mission provided for in the Ceasefire Agreement, and to participate in the financing of the repatriation and the reintegration of Burundian refugees.

“The Council strongly condemns all massacres and other acts of violence against civilians in Burundi.

“The Council expresses serious concern about the deteriorating humanitarian situation in Burundi. The Council calls upon all Burundian parties to take practical steps to grant safe access to humanitarian personnel in their efforts to deliver assistance to vulnerable populations throughout Burundi.”

At its 4749th meeting, on 2 May 2003, the Council decided to invite the representative of Burundi to participate, without vote, in the discussion of the item entitled “The situation in Burundi”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>126</sup>

“The Security Council congratulates the Burundian parties on a peaceful transition of power in accordance with the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000. The transition in presidency represents a major milestone in the implementation of the Agreement.

“The Council believes that it is now crucial to follow up this positive development with the implementation of those provisions agreed upon in Arusha, United Republic of Tanzania, that are still outstanding, such as meaningful security-sector and judicial reforms. Resolving such pressing issues, as well as others that are related, is the only way to ensure that the thirty-six-month transitional period is a success.

“The Council condemns the attacks carried out on 17 and 25 April 2003 on Bujumbura and other cities by the forces of the Conseil national pour la défense de la démocratie-Front national pour la défense de la démocratie of Mr. Pierre Nkurunziza. The Council takes note of the statement made on 27 April 2003 by the Conseil national pour la défense de la démocratie-Front national pour la défense de la démocratie that it would refrain from attacking unless attacked, and urges all Burundian parties, in particular the Conseil national pour la défense de la démocratie-Front national pour la défense de la démocratie, to observe the terms of the ceasefire agreements and implement them without delay.

“The Council reiterates its demands that the Force nationale de libération of Mr. Agathon Rwasa lay down its arms and immediately enter into a ceasefire with the Government of Burundi, without preconditions. The unwillingness of the Force nationale de libération to date to seek a peaceful resolution of this conflict makes it difficult for the international community to accept the legitimacy of its concerns.

“The Council urges all relevant regional parties and actors to continue their efforts to bring about a lasting peace in Burundi and stands ready to consider steps against those who are found to continue to support armed attacks by the Burundian rebels.

“The Council also expresses support for the speedy deployment of the African mission in Burundi to facilitate the continuing implementation of the ceasefire agreements. The Council appeals for adequate and sustained international assistance to the mission, while underscoring the importance of providing the donor community with as many details as possible to enable it to make determinations regarding the best way to assist the mission.

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<sup>126</sup> S/PRST/2003/4.

“The Council urges donors to support the economy of Burundi, to honour the engagements undertaken at the Paris and Geneva Conferences and, within their abilities, to provide as a matter of the utmost urgency budgetary and balance-of-payments support to the Government of Burundi and to contribute generously to the transitional debt relief fund, with continued strong performance on economic reforms by the Government of Burundi.

“The Council urges the Burundian parties to take serious, meaningful steps to address human rights and accountability issues. In this regard, the Council welcomes the approval by the Burundian Senate on 23 April 2003 of legislation on genocide, war crimes and crimes against humanity and legislation establishing a truth and reconciliation commission. The Council looks forward to their effective implementation.

“The Council reaffirms the vital importance of the Burundian parties themselves taking ownership of the process to address the devastating impact of impunity, as detailed in the Arusha accords. The international community pledges its willingness and readiness to assist in efforts to build up the Burundian capacity for promoting respect for human rights standards and the rule of law.

“The Council requests the Secretary-General to continue to support the peace process in Burundi, including the immediate and full implementation of the Ceasefire Agreement signed by the Burundian parties on 2 December 2002.”

In a letter dated 21 May 2003, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Central Africa from 7 to 16 June 2003.<sup>127</sup>

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## THE SITUATION IN LIBERIA<sup>128</sup>

### Decisions

On 18 September 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>129</sup>

“I have the honour to inform you that your letter dated 13 September 2002 concerning your intention to appoint Mr. Abou Moussa, of Chad, as your Representative in Liberia and Head of the United Nations Peace-building Support Office in Liberia<sup>130</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.”

On 9 October 2002, the President of the Security Council addressed the following letter to the Secretary-General.<sup>131</sup>

“I have the honour to inform you that your letter dated 4 October 2002, in which you recommend that the current mandate of the United Nations Peace-building Support Office in Liberia, which expires on 31 December 2002, be extended to 31 December 2003<sup>132</sup> has

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<sup>127</sup> The letter, which was issued as a Security Council document under the symbol S/2003/558, has been reproduced on page 22 of the present volume.

<sup>128</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1991 to 2001 and during the period from 1 January to 31 July 2002.

<sup>129</sup> S/2002/1041.

<sup>130</sup> S/2002/1040.

<sup>131</sup> S/2002/1130.

<sup>132</sup> S/2002/1129.

been brought to the attention of the members of the Security Council, who have taken note of the recommendation and information contained therein.”

On 29 November 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>133</sup>

“I have the honour to refer to the letter dated 9 October 2002 from the President of the Security Council informing you that the Council had taken note of your intention to extend by one additional year, to 31 December 2003, the mandate of the United Nations Peace-building Support Office in Liberia.<sup>131</sup>

“The Council welcomes this extension of the mandate in the difficult context of consolidation of peace in Liberia.

“As you are aware, the Council is in the process of elaborating a comprehensive strategy on Liberia. The Office will have a role to play in this context.

“In particular, the Office, with the consent of the Government of Liberia, should work to enhance the implementation of the following tasks:

“(a) Offering assistance to the Liberian authorities and the public in strengthening democratic institutions and the rule of law, including the promotion of an independent press and an enabling environment for political parties to operate freely in Liberia;

“(b) Contributing to and monitoring the preparation of free and fair elections in 2003, especially through the promotion of an independent electoral commission;

“(c) Enhancing and monitoring respect for human rights in Liberia, including through constructive dialogue with the Government of Liberia, with particular attention to reaching out to local civil society groups and to encouraging the establishment of an independent and functional human rights commission;

“(d) Promoting national reconciliation and the resolution of the conflict, including through support for initiatives on the ground;

“(e) Supporting the Government of Liberia in the implementation of peace agreements to be adopted;

“(f) Engaging in an educational campaign to present accurately United Nations policies and activities regarding Liberia.

“These changes to the mandate of the Office should increase its capacity for objective reporting on the situation in Liberia. The Office should report on a wide range of views, including those from outside the Government of Liberia (for example, opposition parties, non-State actors and civil society). The Council would be grateful if you could provide it with a report, every three months, covering the following topics:

“(a) The overall situation in Liberia;

“(b) The preparations, conditions and readiness for free and fair elections;

“(c) The human rights situation.

“The Council would be grateful if you could submit, by 15 January 2003, recommendations for a detailed revised mandate for the Office, incorporating these additions if you think it appropriate, for the approval of the Council.

“The Council also welcomes the appointment of Mr. Abou Moussa as your new Special Representative in Liberia and Head of United Nations Peace-building Support

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<sup>133</sup> S/2002/1305.

Office in Liberia and looks forward to his assumption of the responsibilities of the post, to ensure that the Office has strong leadership in place.”

At its 4665th meeting, on 13 December 2002, the Council considered the item entitled “The situation in Liberia”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>134</sup>

“The international community and the Security Council have made joint and consistent efforts to promote peace and security in Western Africa, particularly in the Mano River Union region. Such efforts have represented a major investment of resources and capabilities. The peace process in Sierra Leone is the tangible result of those efforts. The Council will maintain its efforts and continue to promote understanding and peace in the region in order to guarantee that the peace process in Sierra Leone, which remains fragile, takes root and benefits the people of Sierra Leone and the entire Mano River Union region.

“On the other hand, the Council is deeply concerned about the situation in Liberia and the threat it constitutes to international peace and security in the region as a result of the activities of the Government of Liberia and the continuing internal conflict in that country, including the armed attacks by Liberians United for Reconciliation and Democracy. The internal conflict and significant violence in Liberia are producing widespread flows of refugees and displacement of people in Liberia, exacerbating the humanitarian situation and fuelling the movement of irregular combatants and the flow of weapons throughout the region. The Council condemns the failure of the Government to comply with the demands set out in its resolution 1343 (2001) of 7 March 2001, and the failure of the Government, other States and others, including Liberians United for Reconciliation and Democracy, to respect the measures imposed pursuant to that resolution, including the continuing import of weapons in breach of the arms embargo. All these developments threaten the peace process in Sierra Leone and the stability of the entire West African region and, most tragically, are causing great humanitarian suffering for the Liberian people themselves.

“To address the situation in Liberia and the threat it poses to international peace and security in the region, the Council and the international community should cooperate on a comprehensive strategy that mobilizes international efforts to reach a ceasefire, resolve the internal conflict and establish an inclusive peace process; promotes peace and national reconciliation in Liberia and the development of a stable and democratic political process; addresses humanitarian issues; combats the illicit flow of weapons into the country; and guarantees human rights. The Council is committed to support the efforts of regional and other international actors to carry out such a strategy.

“Such a strategy must be based on two fundamental principles. First, it must have the input of key regional actors and be part of a comprehensive approach to building an integrated system of regional peace and security. Secondly, peace and security in the Mano River Union region requires the President of the Republic of Liberia to engage constructively with the international community in working to achieve national reconciliation and political reform in Liberia.

“With these principles in mind, the work of the Council on a coordinated strategy with the international community will promote the following objectives:

“In terms of the regional perspective, the Council will maintain its support for the Rabat Process conducted under the sponsorship of the King of Morocco and strongly encourage Guinea, Sierra Leone and Liberia to follow up on their commitments to undertake confidence-building measures and the establishment of security measures along

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<sup>134</sup> S/PRST/2002/36.

their shared borders. In this connection, the Council considers that the initiative taken by the Presidents of the three countries to hold a direct dialogue in order to give impetus to the Rabat Process is a most desirable development. The Council urges the President of Liberia to participate actively in those meetings.

“The Council expresses its strong support for the Economic Community of West African States Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa.<sup>135</sup> The Council encourages members of the Economic Community of West African States to implement those commitments fully and to strengthen the implementation mechanisms in order to stop the illegal trade in arms, in particular the flow of small arms and light weapons into Liberia.

“The Council commends the efforts, made by the Economic Community of West African States and the newly established International Contact Group on Liberia, to promote peace and stability in Liberia and in the Mano River Union region. The Council considers that the active involvement of those mechanisms is critical for national reconciliation and political reform.

“In this regard, the Council encourages the African Union and members of the Economic Community of West African States to promote actively the full implementation of existing security arrangements as well as further initiatives designed to support such arrangements among the countries of the Mano River Union.

“The Council reiterates its demands to the Government of Liberia to comply with resolution 1343 (2001) and resolution 1408 (2002) of 6 May 2002, and to all parties to respect the measures which those resolutions imposed and extended. The demands referred to in those resolutions must be met for the measures to be terminated in accordance with those resolutions. The Council takes note of the positions of the African Union and the Economic Community of West African States on the sanctions regime in Liberia. The Council will keep sanctions under review to ensure they are consistent with the present statement and with resolutions 1343 (2001) and 1408 (2002) and will continue to monitor whether sanctions are having any humanitarian impact on the population of Liberia.

“The Council urges all States in the region to honour their commitments to prevent armed individuals using their national territory to prepare and launch attacks on neighbouring countries. The Council again reminds all States of their obligation to comply with the embargo on the sale or supply of arms and related materiel to Liberia imposed pursuant to resolution 1343 (2001). The Council underlines the fact that the embargo applies to all sales or supplies to any recipient in Liberia, including all non-State actors such as Liberians United for Reconciliation and Democracy.

“In terms of a constructive engagement in Liberia, in particular by the President of Liberia on achieving the objectives of ending the violence and promoting national reconciliation, the Council is committed to promote an expanded role for the United Nations Peace-building Support Office in Liberia, as well as the more active participation of the recently created United Nations Office for West Africa. In this regard, the Council welcomes the appointment of the new Special Representative of the Secretary-General for Liberia and urges the Government of Liberia to cooperate fully in the activities of the United Nations Peace-building Support Office in Liberia. The Council would like the Office to carry out, *inter alia*, the following tasks:

- Offering assistance to the Liberian authorities and the public in strengthening democratic institutions and the rule of law, including the promotion of an independent press and an enabling environment for political parties to operate freely in Liberia;

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<sup>135</sup>S/1998/1194, annex.

- Contributing to and monitoring the preparation of free and fair elections in 2003, especially through the promotion of an independent electoral commission;
- Enhancing and monitoring respect for human rights in Liberia, including through constructive dialogue with the Government of Liberia, with particular attention to reaching out to local civil society groups and to encouraging the establishment of an independent and functional human rights commission;
- Promoting national reconciliation and the resolution of the conflict, including through support for initiatives on the ground;
- Supporting the Government of Liberia in the implementation of peace agreements to be adopted;
- Engaging in an educational campaign to present accurately United Nations policies and activities regarding Liberia.

“The Council has written to the Secretary-General recommending such a strengthening of the mandate of the Office and requesting reports every three months.

“The Council considers that an urgent effort is required to improve the serious humanitarian situation in Liberia, especially to address the needs of internally displaced persons and refugees. In that regard, the Council urges the Government of Liberia and the combatants, particularly the rebel group Liberians United for Reconciliation and Democracy, to provide unrestricted access by United Nations humanitarian agencies and non-governmental organizations to areas where refugees need to be assisted and human rights to be protected. Likewise, the Council encourages countries neighbouring Liberia to continue to grant access by international humanitarian organizations and non-governmental humanitarian groups to border areas where refugees and displaced persons are located. It calls upon all States in the region to respect fully international law on the treatment of refugees and displaced persons.

“The Council urges all humanitarian organizations and donor countries to continue to provide humanitarian relief to refugees and internally displaced persons.

“The Council is committed to support efforts to promote national reconciliation, the restoration of peace and the creation of new conditions for internal political stability. For that purpose, the Council urges the Government of Liberia and Liberians United for Reconciliation and Democracy to conclude a ceasefire agreement and a comprehensive peace process, including provisions for the disarmament and demobilization of combatants and for comprehensive security-sector reform. In this regard, the Council calls upon all States to refrain from providing any military support to any of the parties in Liberia, and from any act that might aggravate the situation on the borders between Liberia and its neighbours.

“The Council calls upon the Government of Liberia to work to create a favourable environment so that a genuine national reconciliation conference can succeed, with the broad participation of all groups in Liberian society based inside the country and abroad.

“The Council also calls upon the Government of Liberia to implement the necessary measures and political reforms which are a prerequisite for universal, free, fair, transparent and all-inclusive elections in 2003. The Council stresses the importance of broad and overall participation in this process by all political parties, and the return of all political leaders to the country.

“The Council calls upon the international community to consider ways in which it can support through financial and technical assistance any disarmament, demobilization and reintegration programme that may be established as part of a cessation of hostilities and a commitment to political reform in Liberia. Special attention and resources should be given to assist women and children in the process of their reintegration and to provide

opportunities for young ex-combatants and child soldiers to be fully reintegrated into society.

“The Council recognizes that the success of a comprehensive international strategy for Liberia rests on the direct and active involvement of the African Union, the Economic Community of West African States and the International Contact Group, working with the United Nations Offices in the region in accordance with their mandates.

“The Council calls upon the Government of Liberia to cooperate in all these efforts as a means to find a peaceful solution to the conflict, to reform its political processes and to fulfil its humanitarian, social and economic responsibilities to the Liberian people. Liberia’s cooperation is also essential to the full restoration of relations with its neighbours and to the normalization of its relations with the international community.

“As the Government of Liberia makes progress, working with the international community in achieving the objectives set out in the present statement, the Council calls upon the international community to consider how it might help future economic development in Liberia aimed at improving the welfare of the people of Liberia.

“The Council will remain engaged with the Government and people of Liberia, given the conviction of the Council that peace in that country will put an end to the suffering of the Liberian people and form a basis for lasting peace in the region.

“The Council requests the Secretary-General to monitor the situation in Liberia and to keep the Council informed of developments toward the fulfilment of the objectives described herein. The Council is considering sending a mission to the region, including to Liberia, to assess the situation during the first half of 2003.”

At its 4693rd meeting, on 28 January 2003, the Council considered the item entitled “The situation in Liberia”.

**Resolution 1458 (2003)  
of 28 January 2003**

*The Security Council,*

*Reaffirming* its resolution 1408 (2002) of 6 May 2002,

*Noting* that the next six-monthly review by the Security Council of the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) of 7 March 2001, and extended by paragraph 5 of resolution 1408 (2002), is scheduled to take place on or before 6 May 2003,

*Deeply concerned* about the situation in Liberia and neighbouring countries, especially in Côte d’Ivoire,

*Recognizing* the importance of monitoring the implementation of the provisions of resolutions 1343 (2001) and 1408 (2002),

1. *Takes note* of the report of the Panel of Experts on Liberia dated 25 October 2002,<sup>136</sup> submitted pursuant to paragraph 16 of resolution 1408 (2002);
2. *Expresses its intention* to continue to give full consideration to the report;
3. *Decides* to re-establish the Panel of Experts appointed pursuant to paragraph 16 of resolution 1408 (2002) for a further period of three months commencing no later than 10 February 2003;
4. *Requests* the Panel of Experts to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on compliance by the

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<sup>136</sup> S/2002/1115.



Government of Liberia with the demands referred to in paragraph 2 of resolution 1343 (2001) and on any violations of the measures referred to in paragraph 5 of resolution 1408 (2002), including any involving rebel movements, to conduct a review of the audits referred to in paragraph 10 of resolution 1408 (2002), and to report to the Council through the Security Council Committee established pursuant to paragraph 14 of resolution 1343 (2001) (the Committee) no later than 16 April 2003 with the observations and recommendations of the Panel in relation to the tasks set out herein;

5. *Also requests* the Panel of Experts, as far as possible, to bring any relevant information collected in the course of the investigations conducted in accordance with its mandate to the attention of the States concerned for prompt and thorough investigation and, where appropriate, corrective action, and to allow them the right of reply;

6. *Requests* the Secretary-General, upon the adoption of the present resolution and acting in consultation with the Committee, to appoint no more than five experts, with the range of expertise necessary to fulfil the mandate of the Panel referred to in paragraph 4 above, drawing as much as possible and as appropriate on the expertise of the members of the Panel of Experts appointed pursuant to paragraph 16 of resolution 1408 (2002), and also requests the Secretary-General to make the necessary financial arrangements to support the work of the Panel;

7. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties to cooperate fully with the Committee and with the Panel of Experts, including by supplying information on possible violations of the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001);

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

*Adopted unanimously at the 4693rd meeting.*

### **Decisions**

On 21 April 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>137</sup>

“I have the honour to inform you that your letter dated 11 April 2003 concerning the United Nations Peace-building Support Office in Liberia<sup>138</sup> has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and approve the revised mandate of the Office.”

In a letter dated 5 May 2003, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to the West African subregion from 15 to 23 May 2003.<sup>139</sup>

At its 4751st meeting, on 6 May 2003, the Council considered the item entitled:

“The situation in Liberia

“Letter dated 24 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the Security Council (S/2003/498)”.

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<sup>137</sup> S/2003/469.

<sup>138</sup> S/2003/468.

<sup>139</sup> The letter, which was issued as a Security Council document under the symbol S/2003/525, has been reproduced on page 32 of the present volume.

**Resolution 1478 (2003)  
of 6 May 2003**

*The Security Council,*

*Recalling* its resolutions 1132 (1997) of 8 October 1997, 1171 (1998) of 5 June 1998, 1306 (2000) of 5 July 2000, 1343 (2001) of 7 March 2001, 1385 (2001) of 19 December 2001, 1395 (2002) of 27 February 2002, 1400 (2002) of 28 March 2002, 1408 (2002) of 6 May 2002, 1458 (2003) of 28 January 2003, 1467 (2003) of 18 March 2003 and its other resolutions and the statements by its President on the situation in the region,

*Taking note* of the report of the Secretary-General of 22 April 2003,<sup>140</sup>

*Taking note also* of the reports of the Panel of Experts on Liberia dated 25 October 2002<sup>136</sup> and 24 April 2003<sup>141</sup> submitted pursuant to paragraph 16 of resolution 1408 (2002) and paragraph 4 of resolution 1458 (2003) respectively,

*Expressing serious concern* at the findings of the Panel of Experts regarding the actions of the Government of Liberia and of Liberians United for Reconciliation and Democracy and other armed rebel groups, including the evidence that the Government of Liberia continues to breach the measures imposed pursuant to resolution 1343 (2001), particularly through the acquisition of arms,

*Welcoming* General Assembly resolution 57/302 of 30 April 2003 and Security Council resolution 1459 (2003) of 28 January 2003, welcoming the launch of the Kimberley Process, on 1 January 2003, and recalling its concern at the role played by the illicit trade in diamonds in the conflict in the region,

*Welcoming also* the continued efforts of the Economic Community of West African States and the International Contact Group on Liberia to work towards the restoration of peace and stability in the region, particularly the appointment of General Abdulsalami Abubakar, former President of the Federal Republic of Nigeria, as a mediator in the conflict in Liberia,

*Noting* the positive effects of the Rabat Process on peace and security in the subregion, and encouraging all countries of the Mano River Union to reinvigorate the Process with further meetings and renewed cooperation,

*Encouraging* civil society initiatives in the region, including those of the Mano River Union Women's Peace Network to continue their contribution towards regional peace,

*Welcoming* the summit meeting between the Presidents of the Republic of Liberia and the Republic of Côte d'Ivoire, held in Togo on 26 April 2003, and encouraging them to continue dialogue,

*Calling upon* all States, and in particular the Government of Liberia, to cooperate fully with the Special Court for Sierra Leone,

*Recalling* the Economic Community of West African States Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa adopted in Abuja on 31 October 1998,<sup>135</sup> and its extension from 5 July 2001,<sup>142</sup>

*Deeply concerned* about the deteriorating humanitarian situation and widespread human rights violations in Liberia, and about the serious instability in Liberia and neighbouring countries, including Côte d'Ivoire,

*Determining* that the active support provided by the Government of Liberia to armed rebel groups in the region, including to rebels in Côte d'Ivoire and former combatants of the

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<sup>140</sup> S/2003/466.

<sup>141</sup> S/2003/498.

<sup>142</sup> S/2001/700, annex.

Revolutionary United Front who continue to destabilize the region, constitutes a threat to international peace and security in the region,

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

1. *Decides* that the Government of Liberia has not complied fully with the demands set out in resolution 1343 (2001);

2. *Notes with concern* that the new aircraft registry updated by the Government of Liberia in response to the demand set out in paragraph 2 (e) of resolution 1343 (2001) remains inactive;

3. *Stresses* that the demands referred to in paragraph 1 above are intended to help to consolidate and assure peace and stability in Sierra Leone and to build and strengthen peaceful relations among the countries of the region;

4. *Calls upon* all States in the region, and particularly the Government of Liberia, to participate actively in all regional peace initiatives, particularly those of the Economic Community of West African States, the International Contact Group on Liberia, the Mano River Union and the Rabat Process, and expresses its strong support for those initiatives;

5. *Calls upon* the Government of Liberia and Liberians United for Reconciliation and Democracy to enter without delay into bilateral ceasefire negotiations under the auspices of the Economic Community of West African States and the mediation of General Abdulsalami Abubakar, former President of Nigeria;

6. *Stresses* its readiness to grant exemptions from the measures imposed by paragraph 7 (a) of resolution 1343 (2001) in cases of travel which would assist in the peaceful resolution of the conflict in the subregion;

7. *Welcomes* the agreement of the Government of Liberia to the revised mandate of the United Nations Peace-building Support Office in Liberia, and calls upon the Government to respond constructively to the statement by the President of the Security Council of 13 December 2002,<sup>134</sup>

8. *Calls upon* the Government of Liberia and all parties, particularly Liberians United for Reconciliation and Democracy and other armed rebel groups, to ensure unimpeded and safe movement for the personnel of United Nations humanitarian agencies and non-governmental organizations, to end the use of child soldiers and to prevent sexual violence and torture;

9. *Reiterates its demand* that all States in the region cease military support for armed groups in neighbouring countries, take action to prevent armed individuals and groups using their territory to prepare and commit attacks on neighbouring countries and refrain from any actions that might contribute to further destabilization of the situation in the region, and declares its readiness to consider, if necessary, ways of promoting compliance with this demand;

10. *Decides* that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) shall remain in force for a further period of twelve months from 0001 hours eastern daylight time on 7 May 2003 and that, before the end of this period, the Council will decide whether the Government of Liberia has complied with the demands referred to in paragraph 1 above, and, accordingly, whether to extend these measures for a further period with the same conditions;

11. *Recalls* that the measures imposed by paragraph 5 of resolution 1343 (2001) apply to all sales or supply of arms and related materiel to any recipient in Liberia, including all non-State actors, such as Liberians United for Reconciliation and Democracy;

12. *Decides* that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) and by paragraph 17 below shall be terminated immediately if the Council, taking into account, inter alia, the reports of the expert panel referred to in paragraph 25 below and the report of the Secretary-General referred to in paragraph 20 below, input from the Economic Community of West African States, any relevant information provided by the Security Council Committee

established pursuant to paragraph 14 of resolution 1343 (2001) (the Committee) and the Security Council Committee established pursuant to resolution 1132 (1997) and any other relevant information, particularly the conclusions of its forthcoming mission to West Africa, determines that the Government of Liberia has complied with the demands referred to in paragraph 1 above;

13. *Reiterates its call* upon the Government of Liberia to establish an effective certificate-of-origin regime for Liberian rough diamonds that is transparent, internationally verifiable and fully compatible with the Kimberley Process, and to provide the Committee with a detailed description of the proposed regime;

14. *Decides*, notwithstanding paragraph 15 of resolution 1343 (2001), that rough diamonds controlled by the Government of Liberia through the certificate-of-origin regime shall be exempt from the measures imposed by paragraph 6 of resolution 1343 (2001) when the Committee has reported to the Council, taking into account expert advice obtained through the Secretary-General, that an effective and internationally verifiable regime is ready to become fully operational and to be properly implemented;

15. *Calls again upon* States, relevant international organizations and other bodies in a position to do so to offer assistance to the Government of Liberia and other diamond-exporting countries in West Africa with their certificate-of-origin regimes;

16. *Considers* that the audits commissioned by the Government of Liberia pursuant to paragraph 10 of resolution 1408 (2002) do not demonstrate that the revenue derived by the Government of Liberia from the Liberia Ship and Corporate Registry and the Liberian timber industry is used for legitimate social, humanitarian and development purposes, and is not used in violation of resolution 1408 (2002);

17. *Decides that:*

(a) All States shall take the necessary measures to prevent, for a period of ten months, the import into their territories of all round logs and timber products originating in Liberia;

(b) These measures shall come into force at 0001 hours eastern daylight time on 7 July 2003, unless the Council decides otherwise;

(c) At the end of this period of ten months, the Council will decide whether the Government of Liberia has complied with the demands referred to in paragraph 1 above and, accordingly, whether to extend these measures for a further period with the same conditions;

18. *Decides also* to consider, by 7 September 2003, how best to minimize any humanitarian or socio-economic impact of the measures imposed by paragraph 17 above, including the possibility of allowing timber exports to resume in order to fund humanitarian programmes, taking into account the recommendations of the expert panel requested in paragraph 25 below and the assessment of the Secretary-General requested in paragraph 19 below;

19. *Requests* the Secretary-General to submit a report to the Council by 7 August 2003 on the possible humanitarian or socio-economic impact of the measures imposed by paragraph 17 above;

20. *Also requests* the Secretary-General to submit a report to the Council by 21 October 2003, and thereafter at six-monthly intervals from that date, drawing on information from all relevant sources, including the United Nations Peace-building Support Office in Liberia, the United Nations Mission in Sierra Leone and the Economic Community of West African States, on whether Liberia has complied with the demands referred to in paragraph 1 above, and calls upon the Government of Liberia to support United Nations efforts to verify all information on compliance which is brought to the notice of the United Nations;

21. *Invites* the Economic Community of West African States to report regularly to the Committee on all activities undertaken by its members pursuant to paragraphs 10 and 17 above and in the implementation of the present resolution, particularly on the implementation of the Economic Community of West African States Moratorium on the Importation, Exportation and

Manufacture of Small Arms and Light Weapons in West Africa<sup>135</sup> referred to in the preamble to the present resolution;

22. *Calls upon* States of the subregion to strengthen the measures they have taken to combat the spread of small arms and light weapons and mercenary activities and to improve the effectiveness of the Moratorium, and urges States in a position to do so to provide assistance to the Economic Community of West African States to this end;

23. *Calls upon* all parties to conflicts in the region to include disarmament, demobilization and reintegration provisions in peace agreements;

24. *Requests* the Committee to carry out the tasks set out in the present resolution and to continue with its mandate as set out in paragraphs 14 (a) to (h) of resolution 1343 (2001) and in resolution 1408 (2002);

25. *Requests* the Secretary-General to establish, within one month from the date of adoption of the present resolution, in consultation with the Committee, for a period of five months, a Panel of Experts consisting of up to six members, with the range of expertise necessary to fulfil the mandate of the Panel described in the present paragraph, drawing as much as possible and as appropriate on the expertise of the members of the Panel of Experts established pursuant to resolution 1458 (2003), to undertake the following tasks:

(a) To conduct a follow-up assessment mission to Liberia and neighbouring States in order to investigate and compile a report on the compliance by Government of Liberia with the demands referred to in paragraph 1 above, and on any violations of the measures referred to in paragraphs 10 and 17 above, including any involving rebel movements;

(b) To investigate whether any revenues of the Government of Liberia are used in violation of the present resolution, with particular emphasis on the effect on the Liberian populace of any possible diversion of funds from civilian purposes;

(c) To assess the possible humanitarian and socio-economic impact of the measures imposed by paragraph 17 above and to make recommendations to the Council through the Committee by 7 August 2003 on how to minimize any such impact;

(d) To report to the Council through the Committee no later than 7 October 2003 with observations and recommendations, particularly on how to improve the effectiveness of implementing and monitoring the measures referred to in paragraph 5 of resolution 1343 (2001), including any recommendations pertinent to paragraphs 28 and 29 below,

and also requests the Secretary-General to provide the necessary resources;

26. *Requests* the Panel of Experts referred to in paragraph 25 above, as far as possible, to bring any relevant information collected in the course of the investigations conducted in accordance with its mandate to the attention of the States concerned for prompt and thorough investigation and, where appropriate, corrective action, and to allow them the right of reply;

27. *Calls upon* all States to take appropriate measures to ensure that individuals and companies within their jurisdiction, in particular those referred to in the reports of the Panels of Experts established pursuant to resolutions 1343 (2001), 1395 (2002), 1408 (2002) and 1458 (2003), respectively, act in conformity with United Nations embargoes, in particular those established by resolutions 1171 (1998), 1306 (2000) and 1343 (2001), and, as appropriate, to take the necessary judicial and administrative action to end any illegal activities by those individuals and companies;

28. *Decides* that all States shall take the necessary measures to prevent entry into or transit through their territories of any individuals, including from Liberians United for Reconciliation and Democracy or other armed rebel groups, determined by the Committee, taking account of information provided by the Panel of Experts and other relevant sources, to be in violation of paragraph 5 of resolution 1343 (2001), provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory by its own nationals;

29. *Requests* the Committee to establish, maintain and update, taking account of information provided by the Panel of Experts and other relevant sources, a list of air and maritime companies whose aircraft and vessels have been used in violation of paragraph 5 of resolution 1343 (2001);

30. *Calls upon* all members of the Economic Community of West African States to cooperate fully with the Panel of Experts in the identification of such aircraft and vessels, and in particular to inform the Panel about any transit on their territory of aircraft and vessels suspected of being used in violation of paragraph 5 of resolution 1343 (2001);

31. *Asks* the Government of Liberia to authorize the Approach and Control Unit at Robertsfield International Airport to provide regularly to the Flight Information Region in Conakry statistical data related to aircraft listed pursuant to paragraph 29 above;

32. *Decides* to conduct reviews of the measures referred to in paragraphs 10 and 17 above before 7 November 2003, and every six months thereafter;

33. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and all interested parties to cooperate fully with the Committee and with the Panel of Experts referred to in paragraph 25 above, including by supplying information on possible violations of the measures referred to in paragraphs 10 and 17 above;

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

*Adopted unanimously at the 4751st meeting.*

### Decisions

On 23 June 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>143</sup>

“I have the honour to inform you that your letter dated 18 June 2003<sup>144</sup> concerning the Agreement on Ceasefire and Cessation of Hostilities between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia, signed in Accra on 17 June 2003,<sup>145</sup> has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter, in particular the need for the United Nations to provide support to the Joint Verification Team, envisaged in that agreement, by arranging for the use of a helicopter from the United Nations Mission in Sierra Leone for the transportation of the members of the Team.”

On 10 July 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>146</sup>

“I have the honour to inform you that your letter dated 8 July 2003 concerning the situation in Liberia<sup>147</sup> has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter, particularly as it relates to your appeal to the Council to take urgent action to authorize a multinational force for Liberia. They also take note of your urgent initiatives, including the appointment of

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<sup>143</sup> S/2003/664.

<sup>144</sup> S/2003/659.

<sup>145</sup> S/2003/657, annex.

<sup>146</sup> S/2003/696.

<sup>147</sup> S/2003/695.

Mr. Jacques Klein as your Special Representative for Liberia to lead and coordinate the activities of the United Nations in that country.”

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## THE SITUATION IN AFGHANISTAN<sup>148</sup>

### Decisions

At its 4611th meeting, on 19 September 2002, the Security Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled “The situation in Afghanistan”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

At its 4638th meeting, on 30 October 2002, the Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled “The situation in Afghanistan”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

At its 4651st meeting, on 27 November 2002, the Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled “The situation in Afghanistan”.

### Resolution 1444 (2002) of 27 November 2002

*The Security Council,*

*Reaffirming* its previous resolutions on Afghanistan, in particular resolutions 1386 (2001) of 20 December 2001 and 1413 (2002) of 23 May 2002,

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

*Supporting* international efforts to root out terrorism, in keeping with the Charter of the United Nations, and reaffirming its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001,

*Recognizing* that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves, welcoming in this respect the efforts of the Afghan Transitional Authority to establish a fully representative, professional and multi-ethnic army and police force, and welcoming also the cooperation of the Transitional Authority with the International Security Assistance Force,

*Expressing its appreciation* to the Republic of Turkey for taking over the lead from the United Kingdom of Great Britain and Northern Ireland in organizing and commanding the Force from 20 June 2002, and recognizing with gratitude the contributions of many nations to the Force,

*Welcoming* the joint letter dated 21 November 2002 from the Ministers for Foreign Affairs of the Federal Republic of Germany and the Kingdom of the Netherlands addressed to the

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<sup>148</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1994 and 1996 to 2001 and during the period from 1 January to 31 July 2002.

Secretary-General expressing the willingness of Germany and the Netherlands to assume jointly from Turkey the lead in commanding the Force,<sup>149</sup> and anticipating offers in due course to succeed Germany and the Netherlands in leading that command,

*Recalling* the letter dated 19 December 2001 from the Acting Minister for Foreign Affairs of the Islamic State of Afghanistan, Mr. Abdullah Abdullah, addressed to the President of the Security Council,<sup>150</sup>

*Determining* that the situation in Afghanistan still constitutes a threat to international peace and security,

*Determined* to ensure the full implementation of the mandate of the Force, in consultation with the Transitional Authority and its successors established by the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, signed in Bonn, Germany, on 5 December 2001 (the Bonn Agreement),<sup>151</sup>

*Acting* for these reasons under Chapter VII of the Charter,

1. *Decides* to extend the authorization, for a period of one year beyond 20 December 2002, of the International Security Assistance Force, as defined in resolution 1386 (2001);

2. *Authorizes* the Member States participating in the Force to take all necessary measures to fulfil its mandate;

3. *Calls upon* Member States to contribute personnel, equipment and other resources to the Force and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);

4. *Requests* the leadership of the Force to provide quarterly reports on the implementation of its mandate, through the Secretary-General;

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

*Adopted unanimously at the 4651st meeting.*

### **Decisions**

At its 4664th meeting, on 13 December 2002, the Security Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled "The situation in Afghanistan".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

At its 4682nd meeting, on 24 December 2002, the Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled "The situation in Afghanistan".

### **Resolution 1453 (2002) of 24 December 2002**

*The Security Council,*

*Reaffirming* its previous resolutions on Afghanistan,

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<sup>149</sup> S/2002/1296, annex.

<sup>150</sup> S/2001/1223, annex.

<sup>151</sup> See S/2001/1154.



*Reaffirming its strong commitment* to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and to peace and stability throughout the region,

*Recognizing* the Transitional Administration as the sole legitimate Government of Afghanistan, pending democratic elections in 2004, and reiterating its strong support for the full implementation of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions signed in Bonn, Germany, on 5 December 2001 (the Bonn Agreement),<sup>151</sup>

*Reaffirming its strong commitment* to assist the Transitional Administration in its efforts to ensure security, prosperity, tolerance and respect for human rights for all people of Afghanistan, and to combat terrorism, extremism and narco-trafficking,

1. *Welcomes and endorses* the Declaration on Good-Neighbourly Relations, signed by the Transitional Administration of Afghanistan and the Governments of the People's Republic of China, the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan, the States neighbouring Afghanistan, in Kabul on 22 December 2002,<sup>152</sup>

2. *Calls upon* all States to respect the Declaration and to support the implementation of its provisions;

3. *Requests* the Secretary-General to report to the Security Council, as appropriate, on the implementation of the Declaration, in the context of his regular reporting on Afghanistan, including information provided by the signatories;

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

*Adopted unanimously at the 4682nd meeting.*

### Decisions

At its 4699th meeting, on 31 January 2003, the Security Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled "The situation in Afghanistan".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

At its 4711th meeting, on 24 February 2003, the Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled "The situation in Afghanistan".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

At the same meeting, in response to the request dated 20 February 2003 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council,<sup>153</sup> the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Harald Braun, Special Representative of the German Government for the training of the Afghan police force.

At the same meeting, in response to the request dated 21 February 2003 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security

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<sup>152</sup> S/2002/1416, annex.

<sup>153</sup> Document S/2003/200, incorporated in the record of the 4711th meeting.

Council,<sup>154</sup> the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mutsuyoshi Nishimura, Ambassador of Japan in charge of Afghan aid coordination.

At its 4712th meeting, held in private on 24 February 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4712th meeting, held in private on 24 February 2003, the Security Council considered the item entitled ‘The situation in Afghanistan’.

“The Council, in accordance with the invitation extended at its 4711th meeting, under rule 39 of its provisional rules of procedure, heard a statement by Mr. Harald Braun, Special Representative of the German Government for the training of the Afghan police force.

“The President extended an invitation to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, in accordance with the decision taken at the 4711th meeting, under rule 39.

“The members of the Council, Mr. Braun and Mr. Guéhenno had a constructive exchange of views.”

At its 4727th meeting, on 27 March 2003, the Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled:

“The situation in Afghanistan

“Report of the Secretary-General (S/2003/333)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

At its 4730th meeting, on 28 March 2003, the Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled:

“The situation in Afghanistan

“Report of the Secretary-General (S/2003/333)”.

#### **Resolution 1471 (2003) of 28 March 2003**

*The Security Council,*

*Reaffirming* its previous resolutions on Afghanistan, in particular resolution 1401 (2002) of 28 March 2002 establishing the United Nations Assistance Mission in Afghanistan,

*Reaffirming its strong commitment* to the sovereignty, independence, territorial integrity and national unity of Afghanistan, as well as its endorsement of the Declaration on Good-Neighbourly Relations, signed by the Transitional Administration of Afghanistan and the Governments of the People’s Republic of China, the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan, the States neighbouring Afghanistan, in Kabul on 22 December 2002<sup>152</sup> and its call upon all States to respect and support the implementation of the provisions thereof,

*Recognizing* the Transitional Administration as the sole legitimate Government of Afghanistan pending democratic elections to be held by June 2004, and reiterating its strong support for the full implementation of the Agreement on Provisional Arrangements in Afghanistan

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<sup>154</sup> Document S/2003/209, incorporated in the record of the 4711th meeting.

Pending the Re-establishment of Permanent Government Institutions, signed in Bonn, Germany, on 5 December 2001 (the Bonn Agreement),<sup>151</sup> in particular annex II regarding the role of the United Nations during the interim period,

*Recognizing also* that the United Nations must continue to play its central and impartial role in the international efforts to assist the Afghan people in consolidating peace in Afghanistan and rebuilding their country,

1. *Decides* to extend the mandate of the United Nations Assistance Mission in Afghanistan for an additional period of twelve months from the date of adoption of the present resolution;

2. *Welcomes* the report of the Secretary-General of 18 March 2003<sup>155</sup> and the recommendations contained therein, endorses the proposal of the Secretary-General that an electoral unit be established within the Mission, and encourages Member States to support the United Nations electoral activities in Afghanistan;

3. *Stresses* that the continued provision of focused recovery and reconstruction assistance can contribute significantly to the implementation of the Bonn Agreement<sup>151</sup> and, to this end, urges bilateral and multilateral donors to coordinate closely with the Special Representative of the Secretary-General and with the Transitional Administration, in particular through the Afghan Consultative Group process;

4. *Stresses also*, in the context of paragraph 3 above, that while humanitarian assistance should be provided wherever there is a need, recovery or reconstruction assistance ought to be provided, through the Transitional Administration, and implemented effectively, where local authorities demonstrate a commitment to maintaining a secure environment, respecting human rights and countering narcotics;

5. *Reaffirms its strong support* for the Special Representative of the Secretary-General and the concept of a fully integrated Mission, and endorses the full authority of the Special Representative, in accordance with its relevant resolutions, over all United Nations activities in Afghanistan;

6. *Requests* the Mission, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist the Afghan Independent Human Rights Commission in the full implementation of the human rights provisions of the Bonn Agreement and the National Human Rights Programme for Afghanistan, in order to support the protection and development of human rights in Afghanistan;

7. *Calls upon* all Afghan parties to cooperate with the Mission in the implementation of its mandate and to ensure the security and freedom of movement of its staff throughout the country;

8. *Requests* the International Security Assistance Force, in implementing its mandate in accordance with resolution 1444 (2002) of 27 November 2002, to continue to work in close consultation with the Secretary-General and his Special Representative;

9. *Requests* the Secretary-General to report to the Council every four months on the implementation of the present resolution;

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

*Adopted unanimously at the 4730th meeting.*

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<sup>155</sup> S/2003/333.

### Decisions

On 23 April 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>156</sup>

“I have the honour to inform you that the members of the Security Council have received your letter dated 16 April 2003 conveying the communication of the same date from the Secretary-General of the North Atlantic Treaty Organization regarding the North Atlantic Council decision of 16 April 2003 to continue and to enhance North Atlantic Treaty Organization support to the International Security Assistance Force as established pursuant to Council resolutions 1386 (2001) of 20 December 2001, 1413 (2002) of 23 May 2002 and 1444 (2002) of 27 November 2002.<sup>157</sup>

“The members of the Council noted that increased involvement by the North Atlantic Treaty Organization would be within the context of the United Nations mandate of the Force, and that the alliance would operate according to current and future Council resolutions and in close consultation with the Afghan Transitional Authority and your Special Representative. They also noted that the formal requirements of reporting to the Council would be met.”

At its 4750th meeting, on 6 May 2003, the Council decided to invite the representative of Afghanistan to participate, without vote, in the discussion of the item entitled “The situation in Afghanistan”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

At its 4774th meeting, on 17 June 2003, the Council decided to invite the representatives of Afghanistan, Colombia, Greece, India, the Islamic Republic of Iran, Japan, Kazakhstan, New Zealand, Norway, the Philippines, the Republic of Korea, Tajikistan, Ukraine and Uzbekistan to participate, without vote, in the discussion of the item entitled “The situation in Afghanistan”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and Mr. Antonio Maria Costa, Director General of the United Nations Office at Vienna and Executive Director of the United Nations Office on Drugs and Crime.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>158</sup>

“The Security Council reaffirms its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan.

“The Council stresses that security remains a serious challenge facing Afghanistan. In particular, the Council expresses its concern over the increased number of attacks against international and local humanitarian personnel, coalition forces, the International Security Assistance Force and Afghan Transitional Administration targets carried out by the Taliban and other rebel elements. In this regard, the Council condemns in the strongest terms the attack against the Force in Kabul on 7 June 2003. The Council also expresses its concern over other security threats, including from illicit drug trafficking. The Council stresses the need to improve the security situation in the provinces and further to extend the authority of the Administration throughout the country. Against this backdrop, the Council underlines the

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<sup>156</sup> S/2003/504.

<sup>157</sup> S/2003/503.

<sup>158</sup> S/PRST/2003/7.

importance of accelerating the comprehensive reform of the security sector of Afghanistan, including the disarmament, demobilization and reintegration of former combatants.

“The Council welcomes the establishment and deployment of international civilian-military Provincial Reconstruction Teams in the provinces and encourages States to support further efforts to assist in improving security in the regions.

“The Council believes that constructive and mutually supportive bilateral and regional relations between Afghanistan and all States, and in particular its neighbours, based on the principles of mutual respect and non-interference in each other’s affairs, are important for stability in Afghanistan. The Council calls upon all States to respect the Declaration on Good-Neighbourly Relations, signed by the Transitional Administration of Afghanistan and the Governments of the People’s Republic of China, the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan, the States neighbouring Afghanistan, in Kabul on 22 December 2002<sup>152</sup> and to support the implementation of the provisions thereof.

“The Council reaffirms the principles established in the Political Declaration adopted by the General Assembly at its twentieth special session,<sup>159</sup> *inter alia*, that action against the world drug problem is a common and shared responsibility requiring an integrated and balanced approach in full conformity with the purposes and principles of the Charter of the United Nations and international law.

“The Council recognizes the links between illicit drug trafficking and terrorism as well as other forms of crime, and the challenges posed by these activities inside Afghanistan as well as to transit and neighbouring States and other States affected by the trafficking in drugs from Afghanistan.

“The Council expresses its concern at the increasing risk of the spread of HIV/AIDS associated with drug abuse in the region and beyond.

“The Council stresses that security will be enhanced by continued coordinated efforts to combat the production of illicit drugs in Afghanistan as well as to interdict narco-trafficking beyond its borders. The Council recognizes that the effort to counter the problem of drugs originating in Afghanistan will be effective only when it is integrated into the wider context of reconstruction and development programmes in the country.

“The Council expresses its concern that despite the efforts pursued, the volume of illegal opium production inside Afghanistan in 2002 has returned to former high levels. The Council notes with concern the assessment contained in the Opium Rapid Assessment Survey of the United Nations Office on Drugs and Crime that opium poppy cultivation has been reported in several districts of Afghanistan for the first time. The Council stresses the need to promote the comprehensive international approach, carried out, *inter alia*, under the auspices of the United Nations and through other international forums, in support of the drugs strategy of the Transitional Administration to eliminate the illicit cultivation of opium poppy. The Council also supports the fight against illicit trafficking in drugs and precursors within Afghanistan and in neighbouring States and countries along trafficking routes, including increased cooperation among them to strengthen anti-narcotic controls to curb the flow of drugs. Extensive efforts have also to be made to reduce the demand for drugs globally in order to contribute to the sustainability of the elimination of illicit cultivation in Afghanistan. The Council welcomes the comprehensive drug strategy for Afghanistan as set out in the drugs strategy of the Transitional Administration and calls for help to be provided within the framework of that strategy. The Council also welcomes the ‘Paris Pact’, introduced at the International Conference on Drug Routes from Central Asia to Europe,

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<sup>159</sup> General Assembly resolution S-20/2, annex.

held in Paris on 21 and 22 May 2003,<sup>160</sup> and thanks the Government of France for convening the Conference.

“The Council expresses its support for the commitment by the Transitional Administration to eliminate drug production by the year 2013 and its efforts to implement the decrees prohibiting the cultivation, production and processing of the opium poppy, including illicit drug trafficking and drug abuse.

“The Council welcomes the significant contribution by the Office on Drugs and Crime and notes that the work of the Office in Afghanistan is restrained by the lack, in the opium-growing areas of that country, of general stability and security which the international community as a whole should endeavour to ensure. The Council also welcomes projects under way by individual States to counter the threat of drugs in Afghanistan. Most of these projects are long-term, which is vital to eliminate drugs on a sustainable basis. The Council underscores the pressing need to achieve as soon as possible a significant and sustainable decrease in opium production in Afghanistan.

“The Council acknowledges the necessity of coordination through the lead nation on this and all other issues in Afghanistan and, in this regard, expresses its gratitude to the United Kingdom of Great Britain and Northern Ireland and Germany for their work on counter-narcotics and police issues, respectively.

“The Council recognizes the problems caused to neighbouring countries by the increase in Afghan opium production, as well as the efforts made by them and other countries to interdict illicit drugs.

“The Council stresses the need to promote the effective realization of anti-drug projects for Afghanistan. These efforts can be reinforced through promulgation of a comprehensive programme of action in the region and in the States of transit and destination. The Council notes in this regard a major coordinating capacity available through the Office on Drugs and Crime, and calls upon all those concerned to cooperate with the Office in order to adopt harmonized measures in this area. The Council notes the call for all those concerned to adopt compatible and harmonized measures for law enforcement and counter-narcotics efforts through support for implementation of the drugs strategy of the Transitional Administration and the ‘Paris Pact’, supported by the G-8 Summit held in Evian, France, on 3 June 2003. The Council urges donor States to work within such a consultative process to maximize the effects of their bilateral and multilateral assistance programmes.

“The Council urges the international community, in collaboration with the Office on Drugs and Crime and in accordance with the drugs strategy of the Transitional Administration, to provide assistance to the Administration that addresses, inter alia, certain key areas, including development of alternative livelihoods and markets, improving national institutional capacities, enforcing prohibitions on illicit cultivation and manufacturing and trafficking in drugs, encouraging demand reduction and building up the effective use of intelligence, including aerospace monitoring.

“The Council urges the international community, in collaboration with the United Nations Assistance Mission in Afghanistan and the Office on Drugs and Crime, to encourage cooperation among affected countries, specifically in strengthening border controls, in assisting the flow of information between and among appropriate security and law enforcement agencies, in combating groups involved in illicit drug trafficking and related crimes, particularly money-laundering, in carrying out operational interdiction activities and controlled deliveries, in encouraging demand reduction and in coordinating information and intelligence to maximize the effectiveness of all measures taken inside Afghanistan and beyond its borders.

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<sup>160</sup> S/2003/641, annex.

“The Council invites the Secretary-General to include in his next report to the Security Council and the General Assembly on the situation in Afghanistan a summary of proposals made during its 4774th meeting, held on 17 June 2003, and any commentary and response to those proposals by any Member State and to submit his relevant recommendations to the Council for its consideration.

“The Council decides to remain seized of the matter.”

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## THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION<sup>161</sup>

### Decisions

At its 4613th meeting, on 20 September 2002, the Security Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Terje Roed-Larsen, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At its 4614th meeting, on 23 September 2002, the Council decided to invite the representatives of Algeria, Bahrain, Bangladesh, Cuba, Denmark, Egypt, India, the Islamic Republic of Iran, Israel, Jordan, the Libyan Arab Jamahiriya, Malaysia, Pakistan, Qatar, Saudi Arabia, South Africa, the Sudan, Tunisia and Turkey to participate, without vote, in the discussion of the item entitled:

“The situation in the Middle East, including the Palestinian question

“Letter dated 20 September 2002 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council (S/2002/1055)

“Note verbale dated 20 September 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2002/1056)”.

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 23 September 2002 to the President of the Council,<sup>162</sup> in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

Upon resumption of the meeting, on 23 September 2002, the Council further decided to invite the representatives of Cyprus, Indonesia, Iraq, Mauritania, Morocco and Nepal to participate, without vote, in the discussion of the item.

At the same meeting, in response to the request dated 23 September 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council,<sup>163</sup> the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations.

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<sup>161</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>162</sup> Document S/2002/1058, incorporated in the record of the 4614th meeting.

<sup>163</sup> Document S/2002/1060, incorporated in the record of the 4614th meeting (Resumption 1).

At the same meeting, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in response to his request dated 23 September 2002.

At the same meeting, in response to the request dated 23 September 2002 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council,<sup>164</sup> the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Amadou Kébé, Permanent Observer of the African Union to the United Nations.

**Resolution 1435 (2002)  
of 24 September 2002**

*The Security Council,*

*Reaffirming* its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002, as well as the statements by its President of 10 April<sup>165</sup> and 18 July 2002,<sup>166</sup>

*Reiterating its grave concern* at the tragic and violent events that have taken place since September 2000 and at the continuous deterioration of the situation,

*Condemning* all terrorist attacks against any civilian, including the terrorist bombings in Israel on 18 and 19 September 2002 and in a Palestinian school in Hebron on 17 September 2002,

*Gravely concerned* at the reoccupation of the headquarters of the President of the Palestinian Authority in the city of Ramallah that took place on 19 September 2002, and demanding its immediate end,

*Alarmed* at the reoccupation of Palestinian cities as well as the severe restrictions imposed on the freedom of movement of persons and goods, and gravely concerned at the humanitarian crisis being faced by the Palestinian people,

*Reiterating* the need for respect, in all circumstances, of international humanitarian law, including the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>167</sup>

1. *Reiterates its demand* for the complete cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;
2. *Demands* that Israel immediately cease measures in and around Ramallah, including the destruction of Palestinian civilian and security infrastructure;
3. *Demands also* the expeditious withdrawal of the Israeli occupying forces from Palestinian cities towards the return to the positions held prior to September 2000;
4. *Calls upon* the Palestinian Authority to meet its expressed commitment to ensure that those responsible for terrorist acts are brought to justice by it;
5. *Expresses its full support* for the efforts of the Quartet and calls upon the Government of Israel, the Palestinian Authority and all States in the region to cooperate with those efforts, and recognizes in this context the continuing importance of the initiative endorsed at the Arab League Summit, held in Beirut on 27 and 28 March 2002;

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<sup>164</sup> Document S/2002/1059, incorporated in the record of the 4614th meeting (Resumption 1).

<sup>165</sup> S/PRST/2002/9.

<sup>166</sup> S/PRST/2002/20.

<sup>167</sup> United Nations, *Treaty Series*, vol. 75, No. 973.



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

*Adopted at the 4614th meeting,  
by 14 votes to none, with 1 abstention  
(United States of America).*

### **Decisions**

At its 4645th meeting, on 12 November 2002, the Security Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

At its 4668th meeting, on 16 December 2002, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Terje Roed-Larsen, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At its 4681st meeting, on 20 December 2002, the Council decided to invite the representative of Israel to participate, without vote, in the discussion of the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 20 December 2002 to the President of the Council,<sup>168</sup> in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At its 4685th meeting, on 16 January 2003, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

At its 4704th meeting, on 13 February 2003, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

At its 4722nd meeting, on 19 March 2003, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Terje Roed-Larsen, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At its 4741st meeting, on 16 April 2003, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

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<sup>168</sup> Document S/2002/1395, incorporated in the record of the 4681st meeting.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Danilo Türk, Assistant Secretary-General for Political Affairs.

At its 4757th meeting, on 19 May 2003, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Terje Roed-Larsen, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At its 4773rd meeting, on 13 June 2003, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

At its 4788th meeting, on 17 July 2003, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Terje Roed-Larsen, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

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## THE SITUATION IN SIERRA LEONE<sup>169</sup>

### Decision

At its 4615th meeting, on 24 September 2002, the Security Council decided to invite the representative of Sierra Leone to participate, without vote, in the discussion of the item entitled:

“The situation in Sierra Leone

“Fifteenth report of the Secretary-General on the United Nations Mission in Sierra Leone (S/2002/987)”.

### Resolution 1436 (2002) of 24 September 2002

*The Security Council,*

*Recalling* its resolutions and the statements by its President concerning the situation in Sierra Leone,

*Affirming* the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

*Welcoming* the peaceful elections held in Sierra Leone on 14 May 2002, and commending the United Nations Mission in Sierra Leone for the support it provided,

*Expressing its concern* at the continuing fragile security situation in the Mano River region, particularly the conflict in Liberia, and at the substantial number of refugees and the humanitarian

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<sup>169</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1995 to 2001 and during the period from 1 January to 31 July 2002.

consequences for the civilian, refugee and internally displaced populations in the region, and emphasizing the importance of cooperation among the countries of the Mano River Union,

*Reiterating* the importance of the effective consolidation of State authority throughout Sierra Leone, the extension of effective State control over and regulation of the diamond fields, the reintegration of ex-combatants, the voluntary and unhindered return of refugees and internally displaced persons, and full respect for human rights and the rule of law, with special attention to the protection of women and children, and stressing continued United Nations support to the Government of Sierra Leone in fulfilling these objectives,

*Welcoming* the launch of the Special Court for Sierra Leone and the Truth and Reconciliation Commission, and emphasizing their importance in taking effective action on impunity and accountability and in promoting reconciliation,

*Welcoming also* the progress made in developing the capacity of the Sierra Leone police and armed forces, but recognizing the need for their further strengthening to enable them to maintain security and stability independently,

*Emphasizing* the importance of the continuing support of the Mission to the Government of Sierra Leone in the consolidation of peace and stability,

*Having considered* the report of the Secretary-General of 5 September 2002,<sup>170</sup> particularly the proposals contained therein for adjustments to the strength of the Mission, and stressing the need for the Mission to maintain an appropriate level of military capability and mobility while these adjustments are made,

1. *Decides* that the mandate of United Nations Mission in Sierra Leone shall be extended for a period of six months from 30 September 2002;
2. *Expresses its appreciation* to those Member States providing troops, civilian police personnel and support elements to the Mission and to those who have made commitments to do so;
3. *Takes note* of the proposals of the Secretary-General for adjustments to the size, composition and deployment of the Mission, as outlined in paragraphs 26 to 36 and 58 of his report,<sup>170</sup> and notes the improvements in the security situation in Sierra Leone;
4. *Urges* the Mission, guided by an evaluation of the security situation and of the capacity of the Sierra Leonean security sector to take responsibility for internal and external security, to complete phases 1 and 2 of the plan of the Secretary-General, including a reduction of 4,500 troops within eight months, taking into account the necessary arrangements that need to be completed, and requests the Secretary-General to report to the Council at the end of each phase, and at regular intervals, on the progress made by the Mission in implementing the adjustments and in planning the subsequent phases, and to make any necessary recommendations;
5. *Expresses its concern* at the continuing financial shortfall in the multi-donor trust fund for the disarmament, demobilization and reintegration programme, and urges the Government of Sierra Leone to seek actively the urgently needed additional resources for reintegration;
6. *Welcomes* the national recovery strategy of the Government of Sierra Leone, and calls upon States, international organizations and non-governmental organizations to assist in the wide range of recovery efforts and to pledge additional financial support in the context of the forthcoming Consultative Group meeting;
7. *Emphasizes* that the development of the administrative capacities of the Government of Sierra Leone, particularly an effective and sustainable police force, army, penal system and independent judiciary, is essential to long-term peace and development, and therefore urges the Government of Sierra Leone, with the assistance of donors and of the Mission in accordance with

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<sup>170</sup> S/2002/987.

its mandate, to accelerate the consolidation of civil authority and public services throughout the country and to strengthen the operational effectiveness of the security sector;

8. *Notes* the efforts made by the Government of Sierra Leone towards effective control of the diamond-mining areas, expresses concern about the continuing volatility there, and urges the Government of Sierra Leone to set out and implement urgently a policy to regulate and control diamond-mining activities;

9. *Emphasizes* the importance of a coordinated approach to strengthening the Sierra Leone Police, based on a detailed analysis of its training and development needs, led by a steering committee chaired by the Inspector General of the Sierra Leone Police, notes the recommendations of the Secretary-General on enhancing the role of the United Nations civilian police to support this process, supports the deployment of up to 170 civilian police in the Mission, to be recruited as necessary on the recommendation of the steering committee, and requests the Secretary-General to update the Council in his next report on the deployment of United Nations civilian police in the light of the decisions of the committee;

10. *Reiterates its strong support* for the Special Court for Sierra Leone, welcomes the start of the operations of the Court, encourages donors to contribute generously to the Trust Fund for the Special Court and to disburse existing pledges rapidly, and urges the Mission to negotiate rapidly a memorandum of understanding with the Court in order to provide all necessary administrative and related support promptly, as requested in paragraph 9 of resolution 1400 (2002) of 28 March 2002, including on the identification and securing of crime scenes;

11. *Welcomes* progress made in establishing the Truth and Reconciliation Commission, and urges donors urgently to commit funds to its revised budget;

12. *Encourages* the Presidents of the Mano River Union countries to continue dialogue and to implement their commitments to building regional peace and security, and encourages the renewed efforts of the Economic Community of West African States and of Morocco towards achieving a settlement of the crisis in the Mano River Union region;

13. *Welcomes* the commitment of the Secretary-General to finding a solution to the conflict in Liberia so as to build peace in the subregion, including through the establishment of a contact group, demands that the armed forces of Liberia and any armed groups refrain from illegal incursions into the territory of Sierra Leone, calls upon all States to comply fully with all relevant resolutions of the Security Council, including the embargo on all deliveries of weapons and military equipment to Liberia, and encourages the Sierra Leonean armed forces, together with the Mission, to maintain intensive patrolling of the border with Liberia;

14. *Encourages* the Government of Sierra Leone to pay special attention to the needs of women and children affected by the war, as outlined in paragraphs 47 to 48 of the report of the Secretary-General;

15. *Welcomes* the steps taken by the Mission to prevent sexual abuse and exploitation of women and children, and encourages the Mission to continue to enforce the policy of zero tolerance for any such acts perpetrated by anyone employed by it, while calling upon States concerned to take the necessary measures to bring to justice their own nationals responsible for such crimes;

16. *Encourages* the continued support of the Mission, within its capabilities and areas of deployment, for the voluntary return of refugees and displaced persons, and urges all stakeholders to continue to cooperate to this end to fulfil their commitments under the Agreement on the Ceasefire and Cessation of Hostilities, signed in Abuja on 10 November 2000;<sup>171</sup>

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<sup>171</sup> S/2000/1091, annex.

17. *Welcomes* the intention of the Secretary-General to keep the security, political, humanitarian and human rights situation in Sierra Leone under close review and to report to the Council, after due consultations with troop-contributing countries and the Government of Sierra Leone, with any additional recommendations;

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

*Adopted unanimously at the 4615th meeting.*

### **Decision**

At its 4654th meeting, on 4 December 2002, the Security Council considered the item entitled "The situation in Sierra Leone".

### **Resolution 1446 (2002) of 4 December 2002**

*The Security Council,*

*Recalling* its resolutions and the statements by its President concerning the situation in Sierra Leone, in particular resolutions 1132 (1997) of 8 October 1997, 1171 (1998) of 5 June 1998, 1299 (2000) of 19 May 2000, 1306 (2000) of 5 July 2000 and 1385 (2001) of 19 December 2001,

*Affirming* the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

*Welcoming* the end of the conflict in Sierra Leone, the significant progress made in the peace process and the improvements in the overall security situation in the country, including in the diamond-producing areas, with the assistance of the United Nations Mission in Sierra Leone,

*Emphasizing* that the Government must strengthen its efforts to extend its authority throughout Sierra Leone, including the diamond-producing areas, and that the international community should continue providing assistance in the reintegration of former combatants, and noting with concern that the situation in Liberia remains a threat to security in Sierra Leone, especially the diamond-mining areas, and to other countries in the region,

*Recalling* the role played by the illicit trade in diamonds in fuelling the recent conflict in Sierra Leone, and expressing its concern at the current large volume of illicit trade in diamonds and its potentially negative impact on the fragile situation in Sierra Leone,

*Welcoming* General Assembly resolution 56/263 of 13 March 2002, as well as ongoing efforts by interested States, the diamond industry, in particular the World Diamond Council, and non-governmental organizations to break the link between illicit trade in rough diamonds and armed conflict, particularly through the significant progress made by the Kimberley Process, and encouraging further progress in this regard,

*Emphasizing* the responsibility of all Member States, including diamond-importing countries, for fully implementing the measures set out in resolution 1385 (2001),

*Taking note* of the views of the Government of Sierra Leone on the extension of the measures imposed by paragraph 1 of resolution 1306 (2000),

*Determining* that the situation in the region continues to constitute a threat to international peace and security in the region,

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

1. *Welcomes* the latest report of the Government of Sierra Leone entitled "Fourth review of the certificate-of-origin regime for the export of Sierra Leone diamonds", of 22 July 2002,<sup>172</sup>

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<sup>172</sup> S/2002/826, annex.

including the assessment contained therein that the regime is helping to curb the illicit trade in diamonds from Sierra Leone;

2. *Decides* that the measures imposed by paragraph 1 of resolution 1306 (2000) shall remain in force for a new period of six months from 5 December 2002, except that, pursuant to paragraph 5 of resolution 1306 (2000), rough diamonds controlled by the Government of Sierra Leone under the certificate-of-origin regime shall continue to be exempt from those measures, and affirms that at the end of this period it will review the situation in Sierra Leone, including the extent of the authority of the Government over the diamond-producing areas, in order to decide whether to extend those measures for a further period and, if necessary, to modify them or to adopt further measures;

3. *Decides also* that the measures imposed by paragraph 1 of resolution 1306 (2000), as extended by paragraph 2 above, shall be terminated immediately if the Security Council determines that it would be appropriate to do so;

4. *Decides further* that the Security Council Committee established pursuant to resolution 1132 (1997) shall continue its consideration of the measures referred to in paragraphs 2, 4 and 5 of resolution 1171 (1998) and present its views to the Council;

5. *Requests* the Secretary-General to publicize the provisions of the present resolution and the obligations imposed by it;

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

*Adopted unanimously at the 4654th meeting.*

#### **Decision**

At its 4729th meeting, on 28 March 2003, the Security Council decided to invite the representative of Sierra Leone to participate, without vote, in the discussion of the item entitled:

“The situation in Sierra Leone

“Seventeenth report of the Secretary-General on the United Nations Mission in Sierra Leone (S/2003/321 and Corr.1)”.

#### **Resolution 1470 (2003) of 28 March 2003**

*The Security Council,*

*Recalling* its resolutions and the statements by its President concerning the situation in Sierra Leone,

*Affirming* the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

*Expressing its concern* at the continuing fragile security situation in the Mano River region, particularly the conflict in Liberia and its consequences for neighbouring States, including Côte d'Ivoire, and at the substantial number of refugees and the humanitarian consequences for the civilian, refugee and internally displaced populations in the region, and emphasizing the importance of cooperation among the countries of the subregion,

*Recognizing* that the security situation in Sierra Leone remains fragile, and recognizing also the need to strengthen further the capacity and to mobilize the resources of the Sierra Leone police and armed forces to enable them to maintain security and stability independently,

*Noting* certain recent challenges to security, described in paragraphs 2 to 9 of the report of the Secretary-General of 17 March 2003,<sup>173</sup>

*Reiterating* the importance of the effective consolidation of State authority throughout Sierra Leone, particularly in the diamond fields, the reintegration of ex-combatants, the voluntary and unhindered return of refugees and internally displaced persons and full respect for human rights and the rule of law, with special attention to the protection of women and children, and stressing continued United Nations support to the Government of Sierra Leone in fulfilling these objectives,

*Emphasizing* the importance of the Special Court for Sierra Leone and the Truth and Reconciliation Commission in taking effective action on impunity and accountability and in promoting reconciliation,

*Emphasizing also* the importance of the continuing support of the United Nations Mission in Sierra Leone to the Government of Sierra Leone in the consolidation of peace and stability,

*Having considered* the report of the Secretary-General,

1. *Decides* that the mandate of the United Nations Mission in Sierra Leone shall be extended for a period of six months from 30 March 2003;

2. *Expresses its appreciation* to those Member States providing troops, civilian police personnel and support elements to the Mission and to those who have made commitments to do so;

3. *Commends* the Mission for the progress made in the adjustments to its size, composition and deployment, as outlined in paragraphs 10 and 11 of the report of the Secretary-General,<sup>173</sup> achieved while continuing to support the Sierra Leonean security forces in maintaining internal security and protecting Sierra Leone's territorial integrity;

4. *Urges* the Mission, guided by an evaluation of the security situation and the capacity and ability of the Sierra Leonean security sector to take responsibility for internal and external security, to complete phase 2 of the plan of the Secretary-General, as planned, and to embark on phase 3 as soon as practicable thereafter;

5. *Requests* the Secretary-General to provide the Council with detailed plans for the remainder of the drawdown once phase 3 is under way, including options for faster and slower withdrawal depending on the security situation and the capacity and ability of the Sierra Leonean security sector to take responsibility for internal and external security;

6. *Expresses concern* at the continuing financial shortfall in the multi-donor trust fund for the disarmament, demobilization and reintegration programme, and urges the Government of Sierra Leone to seek actively the urgently needed additional resources for reintegration;

7. *Emphasizes* that the development of the administrative capacities of the Government of Sierra Leone, particularly an effective and sustainable police force, army, penal system and independent judiciary, is essential to long-term peace and development, and urges the Government of Sierra Leone, with the assistance of donors and the Mission in accordance with its mandate, to accelerate the consolidation of civil authority and public services throughout the country and to strengthen the operational effectiveness and capabilities of the security sector;

8. *Calls upon* States, international organizations and non-governmental organizations to continue to support the national recovery strategy of the Government of Sierra Leone;

9. *Notes* the efforts made by the Government of Sierra Leone towards effective control of the diamond-mining areas, urges the Government of Sierra Leone to consider urgently relevant policy options for more effective regulation and control of diamond-mining activities, and

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<sup>173</sup> S/2003/321 and Corr.1.

encourages the Government of Sierra Leone to adopt and implement such a policy as soon as possible;

10. *Welcomes* the progress with deployment of United Nations civilian police to the Mission, and urges Member States able to do so to provide qualified civilian police trainers and advisers, and resources, to help the Sierra Leone Police to fulfil its size and capacity targets;

11. *Reiterates its strong support* for the Special Court for Sierra Leone, appeals to States to contribute generously to the Trust Fund for the Special Court, as requested in the letter from the Secretary-General dated 18 March 2003, appeals to existing donors to disburse their pledges rapidly, and urges all States to cooperate fully with the Court;

12. *Welcomes* the launch of the Truth and Reconciliation Commission and the progress made in its activities, and urges donors to commit funds to it generously;

13. *Urges* the Presidents of the Mano River Union member States to resume dialogue and to implement their commitments to building regional peace and security, encourages the Economic Community of West African States, and Morocco, to continue their efforts towards a settlement of the crisis in the Mano River Union region, and expresses its support for the efforts of the International Contact Group on Liberia towards a resolution of the conflict in that country;

14. *Notes with concern* the recent instability on the border between Sierra Leone and Liberia, demands that the armed forces of Liberia and any armed groups refrain from illegal incursions into the territory of Sierra Leone, calls upon all States to comply fully with all relevant resolutions of the Security Council, including the embargo on all deliveries of weapons and military equipment to Liberia, and encourages the Sierra Leonean armed forces, together with the Mission, to maintain intensive patrolling of the border with Liberia;

15. *Encourages* the Government of Sierra Leone to pay special attention to the needs of women and children affected by the war, bearing in mind paragraph 42 of the report of the Secretary-General;

16. *Encourages* the continued support of the Mission, within its capabilities and areas of deployment, for the voluntary return of refugees and displaced persons, and urges all stakeholders to continue to cooperate to this end to fulfil their commitments under the Agreement on the Ceasefire and Cessation of Hostilities, signed in Abuja on 10 November 2000;<sup>171</sup>

17. *Welcomes* the intention of the Secretary-General to keep the security, political, humanitarian and human rights situation in Sierra Leone under close review and to report to the Council, after due consultations with troop-contributing countries and the Government of Sierra Leone, with any additional recommendations;

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

*Adopted unanimously at the 4729th meeting.*

### **Decisions**

By a letter dated 5 May 2003, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to the West African subregion from 15 to 23 May 2003.<sup>174</sup>

At its 4789th meeting, on 18 July 2003, the Council considered the item entitled:

“The situation in Sierra Leone

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<sup>174</sup> The letter, which was issued as a Security Council document under the symbol S/2003/525, has been reproduced on page 32 of the present volume.



“Eighteenth report of the Secretary-General on the United Nations Mission in Sierra Leone (S/2003/663)”.

**Resolution 1492 (2003)  
of 18 July 2003**

*The Security Council,*

*Recalling* its resolutions and the statements by its President concerning the situation in Sierra Leone,

*Recognizing* the continuing fragile security situation in the Mano River region, particularly the conflict in Liberia and the need to strengthen further the capacity of the Sierra Leonean police and armed forces to enable them to maintain security and stability independently,

*Taking note* of the report of the Secretary-General of 23 June 2003,<sup>175</sup> particularly the options for the drawdown of the United Nations Mission in Sierra Leone described in paragraphs 32 to 40 thereof,

1. *Approves* the recommendation of the Secretary-General, set out in paragraph 68 of his report,<sup>175</sup> that the drawdown of the United Nations Mission in Sierra Leone should proceed according to the “modified status quo” option towards withdrawal by December 2004, and welcomes the intention of the Secretary-General to submit additional recommendations to the Council in early 2004 concerning a residual presence of the United Nations;

2. *Decides* to monitor closely the key benchmarks for the drawdown, and requests the Secretary-General to report to the Council at the end of each phase, and at regular intervals, on the progress made with respect to the benchmarks, and to make any necessary recommendations on the planning of subsequent phases of the withdrawal;

3. *Requests* the Secretary-General to proceed accordingly;

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

*Adopted unanimously at the 4789th meeting.*

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**ITEMS RELATING TO THE SITUATION BETWEEN IRAQ AND KUWAIT**

**A. The situation between Iraq and Kuwait<sup>176</sup>**

**Decisions**

On 3 October 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>177</sup>

“In accordance with the provisions of Security Council resolution 689 (1991) of 9 April 1991 and in the light of your report of 18 September 2002,<sup>178</sup> the members of the Security Council have reviewed the question of whether to terminate or to continue the United Nations Iraq-Kuwait Observation Mission and its operational modalities.

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<sup>175</sup> S/2003/663.

<sup>176</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1990 to 2001 and during the period from 1 January to 31 July 2002.

<sup>177</sup> S/2002/1109.

<sup>178</sup> S/2002/1039.

“I have the honour to inform you that the members of the Council concur with your recommendation that the Mission should be maintained. In accordance with resolution 689 (1991), they have decided to review the question once again by 6 April 2003.”

At its 4625th meeting, on 16 October 2002, the Council decided to invite the representatives of Albania, Algeria, Angola, Argentina, Australia, Bangladesh, Belarus, Brazil, Canada, Chile, Costa Rica, Cuba, Denmark, Djibouti, Egypt, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Jordan, Kuwait, the Lao People’s Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Morocco, Nepal, New Zealand, Nigeria, Oman, Pakistan, Peru, Saudi Arabia, Senegal, South Africa, the Sudan, Switzerland, Thailand, Tunisia, Turkey, Ukraine, the United Arab Emirates, Viet Nam and Yemen to participate, without vote, in the discussion of the item entitled:

“The situation between Iraq and Kuwait

“Letter dated 10 October 2002 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council (S/2002/1132)”.

At the same meeting, in response to the request dated 14 October 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council,<sup>179</sup> the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations.

At the same meeting, the Council further decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 15 October 2002 to the President of the Council,<sup>180</sup> in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, in response to the request dated 15 October 2002 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council,<sup>181</sup> the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations.

Upon resumption of the meeting, on 16 October 2002, the Council also decided to invite the representatives of Cambodia, Jamaica, Qatar, Sri Lanka and Zimbabwe to participate, without vote, in the discussion of the item.

Upon resumption of the meeting, on 17 October 2002, the Council further decided to invite the representatives of Israel and Mauritania to participate, without vote, in the discussion of the item.

At its 4644th meeting, on 8 November 2002, the Council considered the item entitled “The situation between Iraq and Kuwait”.

**Resolution 1441 (2002)  
of 8 November 2002**

*The Security Council,*

*Recalling* all its relevant resolutions, in particular resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991,

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<sup>179</sup> Document S/2002/1140, incorporated in the record of the 4625th meeting.

<sup>180</sup> Document S/2002/1147, incorporated in the record of the 4625th meeting.

<sup>181</sup> Document S/2002/1148, incorporated in the record of the 4625th meeting.

986 (1995) of 14 April 1995 and 1284 (1999) of 17 December 1999, and all the relevant statements by its President,

*Recalling also* its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully,

*Recognizing* the threat that non-compliance by Iraq with Council resolutions and the proliferation of weapons of mass destruction and long-range missiles pose to international peace and security,

*Recalling* that its resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to resolution 660 (1990) and to restore international peace and security in the area,

*Also recalling* that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for the achievement of its stated objective of restoring international peace and security in the area,

*Deploring* the fact that Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material,

*Deploring also* the fact that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission and the International Atomic Energy Agency, failed to cooperate fully and unconditionally with weapons inspectors of the Special Commission and the Agency, as required by resolution 687 (1991), and ultimately ceased all cooperation with the Special Commission and the Agency in 1998,

*Deploring further* the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the repeated demands of the Council that Iraq provide immediate, unconditional, and unrestricted access to the United Nations Monitoring, Verification and Inspection Commission, established pursuant to resolution 1284 (1999) as the successor organization to the Special Commission, and the Agency, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

*Deploring* the fact that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by international humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991) and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third-country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq,

*Recalling* that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein,

*Determined* to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions, and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance,

*Recalling* that the effective operation of the Monitoring, Verification and Inspection Commission, as the successor organization to the Special Commission, and the Agency is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

*Noting* that the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General<sup>182</sup> is a necessary first step toward rectifying the continued failure by Iraq to comply with relevant Council resolutions,

*Taking note* of the letter dated 8 October 2002 from the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission and the Director-General of the International Atomic Energy Agency to General Amir H. Al-Saadi, of the Government of Iraq, annexed hereto, laying out the practical arrangements, as a follow-up to their meeting in Vienna, that are prerequisites for the resumption of inspections in Iraq by the Commission and the Agency, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter,

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

*Commending* the Secretary-General of the United Nations and members of the League of Arab States and its Secretary-General for their efforts in this regard,

*Determined* to secure full compliance with its decisions,

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

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through the failure by Iraq to cooperate with United Nations inspectors and the International Atomic Energy Agency and to complete the actions required pursuant to paragraphs 8 to 13 of resolution 687 (1991);

2. *Decides also*, while acknowledging paragraph 1 above, to afford Iraq, by the present resolution, a final opportunity to comply with its disarmament obligations pursuant to relevant resolutions of the Council, and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established pursuant to resolution 687 (1991) and subsequent resolutions of the Council;

3. *Decides further* that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to the United Nations Monitoring, Verification and Inspection Commission, the Agency and the Council, no later than 30 days from the date of adoption of the present resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, sub-components, stocks of agents and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological and nuclear programmes, including any which it claims are for purposes not related to weapons production or material;

4. *Decides* that false statements or omissions in the declarations submitted by Iraq pursuant to the present resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, the present resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;

5. *Decides also* that Iraq shall provide to the Commission and the Agency immediate, unimpeded, unconditional, and unrestricted access to any and all, including those underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom the Commission or the Agency wish to interview in the mode or location of choice of the

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<sup>182</sup> S/2002/1034, annex.

Commission or the Agency, pursuant to any aspect of their mandates; decides further that the Commission and the Agency may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of the Commission and the Agency, such interviews may occur without the presence of observers from the Iraqi Government; and instructs the Commission and requests the Agency to resume inspections no later than 45 days following adoption of the present resolution and to update the Council 60 days thereafter;

6. *Endorses* the letter dated 8 October 2002 from the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission and the Director-General of the International Atomic Energy Agency addressed to General Al-Saadi, of the Government of Iraq, and decides that the contents of the letter shall be binding upon Iraq;

7. *Decides* that, in view of the prolonged interruption by Iraq of the presence of the Commission and the Agency and in order for them to accomplish the tasks set forth in the present resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:

- The Commission and the Agency shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;
- All personnel of the Commission and the Agency shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided for in the Convention on the Privileges and Immunities of the United Nations<sup>183</sup> and the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;<sup>184</sup>
- The Commission and the Agency shall have unrestricted rights of entry into and exit out of Iraq, the right to free, unrestricted, and immediate movement to and from inspection sites and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional and unrestricted access to presidential sites equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998) of 2 March 1998;
- The Commission and the Agency shall have the right to be provided by Iraq with the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development and production facilities;
- Security of facilities of the Commission and the Agency shall be ensured by sufficient United Nations security guards;
- The Commission and the Agency shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and transit corridors, in which Iraq will suspend ground and aerial movement so that nothing is changed in or taken out of a site being inspected;
- The Commission and the Agency shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;
- The Commission and the Agency shall have the right at their sole discretion verifiably to remove, destroy or render harmless all prohibited weapons, subsystems, components, records, materials and other related items, and the right to impound or close any facilities or equipment for the production thereof; and

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<sup>183</sup> General Assembly resolution 22 A (I).

<sup>184</sup> United Nations, *Treaty Series*, vol. 374, No. 5334.

- The Commission and the Agency shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections, without search of personnel or official or personal baggage of the Commission or the Agency;
- 8. *Decides also* that Iraq shall not commit or threaten hostile acts directed against any representative or personnel of the United Nations or the Agency or of any Member State taking action to uphold any Council resolution;
- 9. *Requests* the Secretary-General immediately to notify Iraq of the present resolution, which is binding upon Iraq, demands that Iraq confirm within seven days of that notification its intention to comply fully with the present resolution, and demands also that Iraq cooperate immediately, unconditionally, and actively with the Commission and the Agency;
- 10. *Requests* all Member States to give full support to the Commission and the Agency in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by the Commission and the Agency;
- 11. *Directs* the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission and the Director-General of the International Atomic Energy Agency to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections pursuant to the present resolution;
- 12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;
- 13. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it would face serious consequences as a result of its continued violations of its obligations;
- 14. *Decides* to remain seized of the matter.

*Adopted unanimously at the 4644th meeting.*

## **Annex**

8 October 2002

Dear General Al-Saadi,

During our recent meeting in Vienna, we discussed practical arrangements that are prerequisites for the resumption of inspections in Iraq by the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency. As you recall, at the end of our meeting in Vienna we agreed upon a statement which listed some of the principal results achieved, particularly the acceptance by Iraq of all the rights of inspection provided for in all the relevant Security Council resolutions. This acceptance was stated to be without any conditions attached.

During our briefing to the Security Council on 3 October 2002, members of the Council suggested that we should prepare a written document on all the conclusions we reached in Vienna. The present letter lists those conclusions and seeks your confirmation thereof. We shall report accordingly to the Council.

In the statement made at the end of the meeting, it was clarified that the Commission and the Agency would be granted immediate, unconditional and unrestricted access to sites, including what was termed “sensitive sites” in the past. As we noted, however, eight presidential sites have been the subject of special procedures under the Memorandum of Understanding between the

United Nations and the Republic of Iraq, signed on 23 February 1998.<sup>185</sup> Should these sites be subject, as all other sites, to immediate, unconditional and unrestricted access, the Commission and the Agency would conduct inspections there with the same professionalism.

We confirm our understanding that the Commission and the Agency have the right to determine the number of inspectors required for access to any particular site. This determination will be made on the basis of the size and complexity of the site being inspected. We also confirm that Iraq will be informed of the designation of additional sites, i.e. sites not declared by Iraq or previously inspected by either the Commission or the Agency, through a Notification of Inspection provided upon arrival of the inspectors at such sites.

Iraq will ensure that no proscribed material, equipment, records or other relevant items will be destroyed except in the presence of Commission and/or Agency inspectors, as appropriate, and at their request.

The Commission and the Agency may conduct interviews with any person in Iraq who they believe may have information relevant to their mandate. Iraq will facilitate such interviews. It is for the Commission and the Agency to choose the mode and location for interviews.

The National Monitoring Directorate will, as in the past, serve as the Iraqi counterpart for the inspectors. The Baghdad Ongoing Monitoring, Verification and Inspection Centre will be maintained on the same premises and under the same conditions as was the former Baghdad Monitoring and Verification Centre. The National Monitoring Directorate will make available services as before, cost free, for the refurbishment of the premises.

The National Monitoring Directorate will provide free of cost: (a) escorts to facilitate access to sites to be inspected and communication with personnel to be interviewed; (b) a hotline for the Centre which will be staffed by an English-speaking person on a 24 hours a day, seven days a week basis; (c) support in terms of personnel and ground transportation within the country, as requested; and (d) assistance in the movement of materials and equipment at the request of inspectors (construction, excavation equipment, etc.). The National Monitoring Directorate will also ensure that escorts are available in the event of inspections outside normal working hours, including at night and on holidays.

Regional Commission or Agency offices may be established, for example, in Basra and Mosul, for the use of their inspectors. For this purpose, Iraq will provide, without cost, adequate office buildings, staff accommodation and appropriate escort personnel.

The Commission and the Agency may use any type of voice or data transmission, including satellite and/or inland networks, with or without encryption capability. The Commission and the Agency may also install equipment in the field with the capability for transmission of data directly to the Centre and to New York and Vienna (e.g. sensors, surveillance cameras). This will be facilitated by Iraq and there will be no interference by Iraq with Commission or Agency communications.

Iraq will provide, without cost, physical protection of all surveillance equipment and construct antennae for remote transmission of data, at the request of the Commission and the Agency. Upon request by the Commission through the National Monitoring Directorate, Iraq will allocate frequencies for communications equipment.

Iraq will provide security for all Commission and Agency personnel. Secure and suitable accommodations will be designated at normal rates by Iraq for these personnel. For their part, the Commission and the Agency will require that their staff not stay at any accommodation other than those identified in consultation with Iraq.

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<sup>185</sup> S/1998/166.

On the use of fixed-wing aircraft for transport of personnel and equipment and for inspection purposes, it was clarified that aircraft used by Commission and Agency staff arriving in Baghdad may land at Saddam International Airport. The points of departure of incoming aircraft will be decided by the Commission. The Rasheed airbase will continue to be used for Commission and Agency helicopter operations. The Commission and Iraq will establish air liaison offices at the airbase. At both Saddam International Airport and Rasheed airbase, Iraq will provide the necessary support premises and facilities. Aircraft fuel will be provided by Iraq, as before, free of charge.

On the wider issue of air operations in Iraq, both fixed-wing and rotary, Iraq will guarantee the safety of air operations in its air space outside the no-fly zones. With regard to air operations in the no-fly zones, Iraq will take all steps within its control to ensure the safety of such operations.

Helicopter flights may be used, as needed, during inspections and for technical activities, such as gamma detection, without limitation in all parts of Iraq and without any area excluded. Helicopters may also be used for medical evacuation.

On the question of aerial imagery, the Commission may wish to resume the use of U-2 or Mirage overflights. The relevant practical arrangements would be similar to those implemented in the past.

As before, visas for all arriving staff will be issued at the point of entry on the basis of the United Nations laissez-passer or United Nations certificate; no other entry or exit formalities will be required. The aircraft passenger manifest will be provided one hour in advance of the arrival of the aircraft in Baghdad. There will be no searching of Commission or Agency personnel or of official or personal baggage. The Commission and the Agency will ensure that their personnel respect the laws of Iraq restricting the export of certain items, for example, those related to Iraq's national cultural heritage. The Commission and the Agency may bring into, and remove from, Iraq all the items and materials they require, including satellite phones and other equipment. With respect to samples, the Commission and the Agency will, where feasible, split samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis.

We would appreciate your confirmation of the above as a correct reflection of our talks in Vienna.

Naturally, we may need other practical arrangements when proceeding with inspections. We would expect in such matters, as with the above, the cooperation of Iraq in all respects.

Yours sincerely,

*(Signed)* Hans BLIX  
*Executive Chairman*  
*United Nations Monitoring, Verification*  
*and Inspection Commission*

*(Signed)* Mohamed ELBARADEI  
*Director General*  
*International Atomic Energy Agency*

### **Decision**

At its 4650th meeting, on 25 November 2002, the Security Council considered the item entitled:

“The situation between Iraq and Kuwait

“Report of the Secretary-General pursuant to paragraphs 7 and 8 of Security Council resolution 1409 (2002) (S/2002/1239)”.

### **Resolution 1443 (2002) of 25 November 2002**

*The Security Council,*

*Recalling* its relevant resolutions, including resolutions 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001,



1382 (2001) of 29 November 2001 and 1409 (2002) of 14 May 2002, as they relate to the improvement of the humanitarian programme for Iraq,

*Convinced* of the need as a temporary measure to continue to provide for the civilian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolutions 687 (1991) of 3 April 1991 and 1284 (1999), allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990 in accordance with the provisions of these resolutions,

*Taking note* of the report of the Secretary-General of 12 November 2002,<sup>186</sup>

*Determined* to improve the humanitarian situation in Iraq,

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

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

1. *Decides* to extend the provisions of resolution 1409 (2002) until 4 December 2002;
2. *Decides* to remain seized of the matter.

*Adopted unanimously at the 4650th meeting.*

#### **Decision**

At its 4656th meeting, on 4 December 2002, the Security Council considered the item entitled:

“The situation between Iraq and Kuwait

“Report of the Secretary-General pursuant to paragraphs 7 and 8 of Security Council resolution 1409 (2002) (S/2002/1239)”.

#### **Resolution 1447 (2002) of 4 December 2002**

*The Security Council,*

*Recalling* its relevant resolutions, including resolutions 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001, 1382 (2001) of 29 November 2001 and 1409 (2002) of 14 May 2002, as they relate to the improvement of the humanitarian programme for Iraq,

*Convinced* of the need as a temporary measure to continue to provide for the civilian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolutions 687 (1991) of 3 April 1991 and 1284 (1999), allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990 in accordance with the provisions of these resolutions,

*Taking note* of the report of the Secretary-General of 12 November 2002,<sup>186</sup>

*Determined* to improve the humanitarian situation in Iraq,

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

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

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<sup>186</sup> S/2002/1239.

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, and the provisions of paragraphs 2, 3 and 6 to 13 of resolution 1360 (2001), and subject to paragraph 15 of resolution 1284 (1999) and the other provisions of the present resolution, shall remain in force for a new period of 180 days beginning at 0001 hours eastern standard time on 5 December 2002;

2. *Decides also* to consider necessary adjustments to the Goods Review List<sup>187</sup> and the procedures for the implementation thereof, for adoption no later than 30 days from the date of adoption of the present resolution, and thereafter to conduct regular, thorough reviews;

3. *Decides further* that, for the purposes of the present resolution, references in resolution 1360 (2001) to the 150-day period established by that resolution shall be interpreted to refer to the 180-day period established pursuant to paragraph 1 above;

4. *Requests* the Secretary-General to submit a comprehensive report to the Council, at least one week prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations which he may have on the adequacy of the revenues to meet the humanitarian needs of Iraq;

5. *Also requests* the Secretary-General, in consultation with interested parties, to submit an assessment report on the implementation of the Goods Review List and the procedures 14 days before the end of the 180-day period referred to in paragraph 1 above and to include in the report recommendations on any necessary revision of the List and its procedures;

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

*Adopted unanimously at the 4656th meeting.*

### **Decisions**

On 19 December 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>188</sup>

“I have the honour to inform you that your letter dated 13 December 2002 concerning your proposal to appoint Ms. Olga Pellicer, of Mexico, as a Commissioner of the United Nations Monitoring, Verification and Inspection Commission<sup>189</sup> has been brought to the attention of the members of the Security Council. They agree with the proposal contained in your letter.”

At its 4683rd meeting, on 30 December 2002, the Council considered the item entitled “The situation between Iraq and Kuwait”.

### **Resolution 1454 (2002) of 30 December 2002**

*The Security Council,*

*Recalling* its relevant resolutions, including resolutions 661 (1990) of 6 August 1990, 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001, 1382 (2001) of 29 November 2001, 1409 (2002) of 14 May 2002 and, in particular, 1447 (2002) of 4 December 2002,

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<sup>187</sup> S/2002/515, annex.

<sup>188</sup> S/2002/1382.

<sup>189</sup> S/2002/1381.

*Convinced* of the need as a temporary measure to continue to provide for the civilian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolutions 687 (1991) of 3 April 1991 and 1284 (1999), allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990), in accordance with the provisions of these resolutions,

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

*Recalling* its decision in resolution 1447 (2002) to extend the programme originated by resolution 986 (1995) for 180 days commencing at 0001 hours eastern standard time on 5 December 2002 and to consider necessary adjustments to the Goods Review List<sup>187</sup> and the procedures for the implementation thereof for adoption no later than 3 January 2003 and thereafter to conduct regular, thorough reviews of both,

*Reiterating its determination* to improve the humanitarian situation in Iraq,

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

1. *Approves*, for implementation beginning at 0001 hours eastern standard time on 31 December 2002, the adjustments to the Goods Review List specified in annex A to the present resolution and the revised procedures for implementation of the List set forth in annex B to the present resolution, as a basis for the humanitarian programme in Iraq as referred to in resolution 986 (1995) and other relevant resolutions;

2. *Decides* to conduct a thorough review of the Goods Review List and the procedures for the implementation thereof both 90 days after commencement of the period as defined in paragraph 1 of resolution 1447 (2002) and prior to the end of the 180-day period so defined and thereafter to conduct regular, thorough reviews, and, in this connection, requests the Security Council Committee established by resolution 661 (1990) to review the List and procedures for the implementation thereof as part of its regular agenda and to recommend to the Council necessary additions to, and/or deletions from, the List and procedures;

3. *Directs* the Secretary-General, within 60 days, to develop consumption rates and use levels for the implementation of paragraph 20 of annex B to the present resolution;

4. *Appeals* to all States to continue to cooperate in the timely submission of technically complete applications and the expeditious issuing of export licences and to take all other appropriate measures within their competence in order to ensure that urgently needed humanitarian supplies reach the Iraqi population as rapidly as possible;

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

*Adopted at the 4683rd meeting  
by 13 votes to none, with 2 abstentions  
(Russian Federation and Syrian Arab Republic).*

## **Annex A**

### **Textual entries for the proposed item changes to the Goods Review List**

#### *Chemical Section*

1. C.10.4.10: Quantities of atropine in doses greater than 0.6 mg/ml, Pralidoxime, Pyridostigmine and their respective salts, medical solutions of sodium nitrite, sodium thiosulfate that exceed the established consumption rates.
2. A.52: Any inorganic phosphide that exceeds established consumption rates.

*Note:* Quantities of phosphides utilized with food grain shipments do not require review provided the amounts do not exceed 20 g of phosphide per metric tonne of grain.

3. A.02, A.06, A.07, A.08, B.01, B.02, B.03, B.08, B.10, B.11, B.12: Remove n=1–3 restriction on various chemical entries.

*Note:* For List B chemicals:

Where n=1–3, the chemical shall be considered prohibited. Where n>3, the chemical will be referred for review.

4. 1.A.4.d: Quantities of activated carbon that have been tested and certified effective for chemical weapons agent absorption, that exceed the established consumption rates.
5. A.53: Quantities of organophosphate pesticides that exceed established consumption rates.
6. C.10.4.6: Equipment designed for the disposal of toxic chemicals as follows:
- a. Incineration equipment with an average combustion chamber temperature of over 1,273 K (1,000 C) or catalytic incineration equipment with an average combustion chamber temperature of over 623 K (350 C);
  - b. Equipment utilizing disposal technologies other than incineration equipment in “a.” to detoxify toxic chemicals including but not limited to liquid neutralization, gas phase chemical reduction, supercritical water oxidation, direct chemical oxidation, solvated electron, and plasma arc processes.
  - b.1. Liquid neutralization equipment, and specially designed waste supply and material handling systems, with reactor volumes of 0.100 m<sup>3</sup> (100 litres) or greater, in which all surfaces that come into direct contact with the toxic chemicals are made from corrosion resistant materials.
  - b.2. Gas phase chemical reduction equipment, and specially designed waste supply and material handling systems, with continuous flow capacities for the disposal of toxic chemicals of 0.05 m<sup>3</sup>/hr (50 litres/hour) or greater, in which all surfaces that come into direct contact with the toxic chemicals are made from corrosion resistant materials.
  - b.3. Supercritical water oxidation equipment, and specially designed waste supply and material handling systems, with reactor volumes of 0.05 m<sup>3</sup> (50 litres) or greater, in which all surfaces that come into direct contact with the toxic chemicals are made from corrosion resistant materials.
  - b.4. Direct chemical oxidation equipment, and specially designed waste supply and material handling systems, with reactor volumes of 0.100 m<sup>3</sup> (100 litres) or greater, in which all surfaces that come into direct contact with the toxic chemicals are made from corrosion resistant materials.
  - b.5. Solvated electron equipment, and specially designed waste supply and material handling systems, with reactor volumes of 0.100 m<sup>3</sup> (100 litres) or greater, in which all surfaces that come into direct contact with the toxic chemicals are made from corrosion resistant materials.
  - b.6. Plasma arc equipment, and specially designed waste supply and material handling systems, with continuous flow capacities for the disposal of toxic chemicals of 0.05 m<sup>3</sup>/hour (50 litres/hour) or greater, in which all surfaces that come into direct contact with the toxic chemicals are made from corrosion resistant materials.
7. Entries vii and viii on the list of materials encompassed by the term “corrosion resistant”:
- vii. nickel or alloys with more than 40 +/- 2 percent nickel by weight (some examples: Alloy 400, AMS 4675, ASME SB 164-B, ASTM B-127, DIN2.4375, EN60, FM60, IN60, Hastelloy, Monel, K500, UNS NO4400, Inconel 600, Colmonoy Nr.6);
  - viii. alloys with more than 25 +/- 2 percent nickel and 20 +/- 2 percent chromium and/or copper by weight (some examples: Alloy 825, CuniFer 30Cr, EniCu-7, IN 732 X, Inconel 800, Monel 67, Monel WE 187, Nicrofer 3033, UNS C71900, 904L, CP40).

8. C.10.4.11: Quantities of autoinjectors that exceed the established consumption rate.
9. C.10.4.2: Corrosion resistant multiple-seal, canned drive, magnetic drive, bellows or diaphragm pumps, or progressive cavity tubing pumps (including peristaltic or roller pumps in which only the elastometric tubing is corrosion resistant) with manufacturer's specified maximum flow rate of 0.01 m<sup>3</sup> per minute or greater under standard temperature (293 K) and standard pressure (101.30 kPa) conditions.

Corrosion resistant vacuum pumps with manufacturer's specified maximum flow rate greater than 0.08 m<sup>3</sup> per minute under standard temperature (293 K) and pressure (101.30 kPa) conditions and the following components:

Impellers  
Casings

10. C.10.4.4: Corrosion resistant valves with a smallest inner diameter of 12.5 mm or more and the following components:

Valve wetted parts

#### *Biological Section*

1. 12: Quantities of Ciprofloxacin, Doxycycline, Gentamycin and Streptomycin that exceed the established consumption rates.
2. 2.5: Sterilizing equipment designed to sterilize infectious material, with an internal volume equal to 1.0 m<sup>3</sup> or greater and the following components:

Doors  
Door Seals

3. 3.3: Orbital or reciprocal shakers with a total flask capacity greater than 25 litres, designed for use with biological material.

Shaking incubators with a total flask capacity greater than 25 litres, designed for use with biological material.

4. 5: Quantities of formulated powdered growth media or cell culture media that exceed the established humanitarian use levels.

Quantities of formulated concentrated liquid growth media or cell culture media that exceed the established consumption rates.

Microbial grade yeast extract.

Cell culture grade fetal bovine serum.

5. 4.1: Centrifugal separators (or decanters) designed for use with biological material capable of continuous operation at a flow rate of 20 litres per hour or greater and specially designed rotors therefor.
6. 4.2: Batch centrifuges with a rotor capacity of 10 litres or greater, designed for use with biological agents.
7. 11: Equipment for the microencapsulation of live micro-organisms and toxins in the range of 1–15 micron particle size, to include interfacial polycondensers and phase separators, and materials such as lactic acid-glycolic acid copolymer, polyethylene glycol 6000, liposome materials such as phosphatidyl choline and hydrogels such as polyvinylalcohol and polyhydroxyethylmethacrylate, and agarose gel microspheres.
8. 14: Filter presses and drum dryers capable of use with biological material.
9. 13: Materials such as ion-exchange resins, gel filtration resins for column chromatography, and affinity chromatography resins used for the separation or purification of toxins.

10. 1.2.14: Hantaviruses; 1.2.53: Lumpy Skin Disease virus.
11. 7.2: Aerosol disseminators (other than aircraft sprayers or foggers), capable of dispersing aerosols with an ultimate mean size of 15 microns or less at a flow rate exceeding 1 litre of liquid suspension per minute or 10 grams of dry material per minute and the following components:
  - Spray tanks
  - Certified pumps
  - Spray nozzles

*Note:* This entry excludes dry powder fire extinguishers.

*Missile Section*

1. 2.1: Rocket motor cases and production equipment therefor including interior lining, insulation and nozzles, and the technology, the production facilities and production equipment therefor to include computer controlled welding machines, non-destructive testing equipment capable of using ultrasonic or X-ray to inspect motor case/engine welds; engines, including devices to regulate combustion, and components therefor.
2. 8.3.1.2: Theodolites with an accuracy of 15 arc seconds or greater accuracy.
3. 4.2.3:
  - a. Fluid energy mills usable for grinding or milling ammonium perchlorate, RDX or HMX and ammonium perchlorate hammer and pin mills and the following components:
    - Casings
    - Hammer/Anvils
  - b. Equipment capable of sizing the resulting particles to below 400 microns.
4. 5.2, 5.3.1.a and 5.4.a: Modify missile entries to delete the phrase “designed for use in inertial navigation systems or in guidance systems of all types”.
5. 9.1.3: Test benches/stands capable of handling solid or liquid propellant rockets or rocket motors of more than 10 kN (2,248 lbs) of thrust, or capable of measuring one or more of the three axial thrust components along with spare parts, equipment and associated components (e.g. load cells, test sensors).
  - 9.1.3.1: Load cells capable of measuring 8 kN (2,000 lbs) or greater.
  - 9.1.3.2: Pressure transducers capable of measuring 2750 kPa (400 psi) or greater.

*Conventional Section*

1. 7.B.4: Global navigation satellite system (GNSS) jammers, GNSS-band signal generators, GNSS waveform/code simulators or GNSS receiver test equipment.
2. 9.A.13.a: Low-bed trailers/loaders (height of 1.2 m or less) with a payload capacity of 20 MT or greater; bed width of 2.0 metres or more, including those vehicles with any extenders fully deployed; kingpin of 2.5 inches or greater; 3 or more axles; and tyre size of 1,200 x 20 or greater. Tractor or cab may or may not be attached.
3. 5.A.1.b.7.b: Telecommunications transmission equipment and systems, and specially designed components and accessories therefor, having any of the following characteristics, functions or features:
  7. Being radio equipment employing “time modulated ultra-wideband” techniques, having user programmable channelizing or scrambling codes.

- 5.A.2.a.: Systems, equipment, application specific “electronic assemblies”, modules and integrated circuits for information security, as follows, and other specially designed computer components therefor:
- 5.A.2.a.9: Designed or modified to use cryptographic techniques to generate channelizing or scrambling codes for “time modulated ultra-wideband” systems.
4. 7.A.3: Inertial navigation systems and inertial equipment and components designed therefor:
- a. Inertial navigation systems (gimballed or strapdown) and in inertial equipment designed for “aircraft”, land vehicle or “spacecraft” for attitude, guidance or control, having any of the following characteristics, and components designed therefor:
- a.1. (Renumbering of current Goods Review List entry 7.A.3.a.)
- a.2. (Renumbering of current Goods Review List entry 7.A.3.b.)
- b. Hybrid inertial navigation systems embedded with global navigation satellite system(s) or with “Data-based referenced navigation” (“DBRN”) system(s) for attitude, guidance or control, subsequent to normal alignment, having an INS navigation position accuracy, after loss of GNSS or “DBRN” for a period of up to 4 minutes, of less (better) than 10 metres Circular Error Probable.
5. 5.A.1.b.8: Radio intercept/direction finding equipment/systems.
6. 5.A.1.b.7: Being broadcast transmitter (e.g. for radio or television) equipment operating in the .5–500 MHz (MF to UHF broadcast bands) with output power levels above 1 kW (root mean square).
7. 1.A.6: Carbon nanotube materials;
- 1.B.4: Scanning probe microscope equipment or systems;
- 1.E.3: Carbon nanotube technology.
8. 7.A.8: Full-motion flight simulators/training systems for civilian transport aircraft.
9. 9.A.13.b and c: Trucks with any military attributes (e.g., armour plating, electromagnetic pulse hardened, independent steering, global navigation satellite systems, GNSS jammers and/or night vision systems) or trucks with any of the following attributes: all-wheel drive capability, payload of 20 tons or greater, reinforced chassis, 370 or more engine horsepower, central tyre inflation, run flat capability and/or semi-pneumatic tyres, or independent levelling/stabilization. Truck chassis equipped with hydraulic lift systems over 8 tonnes or capable of attachments such as hoists, cranes, drills, and oil well workover capabilities would be covered as items for review.
- 9.A.13.c: Tyres with equal to or greater than 16 ply rating or 10.00 x 20 tyres with non-directional, cross-country tread.
- 9.B.11: Moulds designed for the production of the tyres identified in 9.A.13.c.
10. 3.E.3: Other “technology” for the “development” or “production” of:
- g. Electronic vacuum tubes operating at frequencies of 31 GHz or higher.
11. 8.A.1.j: Fast/workboats, of any construction, with length overall (LOA) in excess of 15 metres capable of speed in excess of 20 knots when laden with rated payload in excess of 1.5 tons or,
- Fast/workboats, of any construction, with length overall (LOA) in excess of 15 metres capable of speed in excess of 20 knots and equipped with corrosion-resistant firefighting water pumps and corrosion resistant nozzles, or
- Fast/workboats, of any construction, with length overall (LOA) in excess of 15 metres capable of speed in excess of 20 knots and equipped with or capable of being equipped with

(defined as free or reinforced deck space equal to or greater than 2 metres square or 4 square metres) a crane or cranes with load capacity of one or more metric tons.

12. 6.A.8: RADAR: ...

*Note:* ... 6.A.8 does not require review of: ... d. Meteorological (weather) radar.

Delete sub-item “d” from the above-referenced exclusion note.

6.A.8.a: “All airborne radar equipment and specially designed components therefor, not including radars specially designed for meteorological use ...”.

Delete “... radars specially designed for meteorological use ...”.

*Note:* 6.A.8.k does not require review of LIDAR equipment specially designed for surveying or for meteorological observation.

Delete “... or meteorological observation”.

6.A.9: Equipment or systems, and components designed or adapted therefor, for meteorological observation, modelling and simulation, and/or forecasting.

6.B.9: Test, inspection, and “production” equipment for equipment, systems, and components adapted therefor, for which review is required under 6.A.9.

6.D.4: “Software” for meteorological use

6.D.4.a: “Software” for the “development”, “production”, or “use” of equipment or systems requiring review under 6.A.9 or 6.B.9.

6.D.4.b: “Software” designed or adapted for meteorological modelling or simulation.

6.E.4: “Technology” according to the General Technology Note for the “use” of items for which review is required by 6.A.9, 6.B.9 or 6.D.4.

## **Annex B**

### **Goods Review List procedures**

1. The following procedures replace paragraphs 29 to 34 of document S/1996/636 and other existing procedures, notably for the implementation of the relevant provisions of paragraphs 17, 18 and 25 of resolution 1284 (1999) related to the processing of applications to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995).

2. Each application (the “Notification or Request to Ship Goods to Iraq”, as attached to these procedures,<sup>190</sup> hereinafter referred to as “the application”) for the sale or supply of commodities or products to include services ancillary to the supply of such commodities and products, to Iraq to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) must be forwarded to the Office of the Iraq Programme by the exporting States through permanent or observer missions, or by United Nations agencies and programmes. Each application should include complete technical specifications, as requested in the standard application form, concluded arrangements, e.g., contracts, and other relevant information, including, if known, whether the application contains any item(s) covered by the Goods Review List, in order for a determination to be made as to whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the List.

3. Each application will be reviewed and registered by the Office of the Iraq Programme within 10 working days. In the case of a technically incomplete application, the Office may request additional information before transmitting the application to the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency. If the

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<sup>190</sup> The application form is not reproduced in the present volume.



Office determines that the requested information is not provided within 90 days, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not received within a further 90 days, the application will lapse. The Office should notify the submitting mission or United Nations agency in writing of any change in the status of the application. The Office will identify an official to act as a contact point on each application.

4. After registration of the application by the Office of the Iraq Programme, each application will be evaluated by technical experts from the Commission and the Agency in order to determine whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the Goods Review List (GRL item(s)). At their discretion and subject to the approval of the Security Council Committee established by resolution 661(1990), the Commission and the Agency may issue guidance regarding what categories of applications do not contain any item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the List. The Commission, the Agency and the Office, working in consultation, may develop a procedure whereby the Office may evaluate and approve applications that, based on this guidance, fall within these categories.

The Commission and the Agency should put into their records the information about the applications mentioned in subparagraphs (a), (b), (c) and (d) below, without prejudice to the review of those applications under the current procedures, and this information should be subject to review, together with the reviews of the Goods Review List and the procedures as set forth in paragraph 2 of the present resolution, when:

(a) An application contains information about an item reviewed by the Commission and the Agency that can be applied to weapons of mass destruction or missiles systems, or increase conventional military capabilities; or,

(b) The technical review of an application by the Commission and the Agency yields ambiguity as to whether the technical specifications of any item included in such application are items covered by the List; or,

(c) The technical evaluation of any application conducted by the Commission and the Agency determines that the amount of any item included in an application exceeds requirements typically associated with the civilian end use and the item is deemed to have potential military applications;

(d) The Committee may request that Iraq explain the apparent stockpiling of an item through its purchases, and may request that the Office conduct an independent investigation.

In general, when experience under resolution 1409 (2002) of 14 May 2002 and the present resolution indicates to the Office, the Commission and the Agency a need for adjustment of the List and the procedures with a view to facilitating the flow of humanitarian goods to Iraq, then the Office, the Commission and the Agency shall recommend appropriate adjustments for consideration by the Council in the context of regular reviews of the List and the procedures.

5. Military goods and services are prohibited for sale or supply to Iraq under paragraph 24 of resolution 687 (1991) and are not subject to review under the Goods Review List. For consideration of dual-use goods and services referred to in paragraph 24 of resolution 687 (1991), the Commission and the Agency should process these goods and services pursuant to paragraph 9 below.

6. Upon receipt of a registered application from the Office of the Iraq Programme, the Commission and/or the Agency will have 10 working days to evaluate an application as set forth in paragraphs 4 and 5 above. Absent action by the Commission and/or the Agency within the 10-working-day period, the application will be considered approved. In the course of conducting the technical evaluation as set out in paragraphs 4 and 5 above, the Commission and/or the Agency may request additional information from the submitting missions or United Nations

agency. The submitting mission or United Nations agency should provide the additional information requested within a period of 90 days. Once the Commission and/or the Agency receive the requested information, the Commission and/or the Agency will have 10 working days to evaluate the application under the procedure set forth in paragraphs 4 and 5 above.

7. If the Commission and/or the Agency determine that the submitting mission or United Nations agency has not provided the requested additional information within the 90-day period set out in paragraph 6 above, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will lapse. The Office of the Iraq Programme should notify the submitting mission or United Nations agency in writing of any change in the status of the application.

8. If the Commission and/or the Agency determine that the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, the application shall be considered ineligible for approval for the sale or supply to Iraq. The Commission and/or the Agency will provide to the submitting mission or United Nations agency through the Office of the Iraq Programme a written explanation of this determination.

9. If the Commission and/or the Agency determine that the application contains any GRL item(s), they will immediately inform, through the Office of the Iraq Programme, the submitting mission or United Nations agency. Pursuant to paragraph 11 below, absent a request by the submitting mission or United Nations agency for reconsideration within 10 working days, the Office will forward the application containing the GRL item(s) to the Committee for the purpose of evaluating whether the GRL item(s) may be sold or supplied to Iraq. The Commission and/or the Agency will provide to the Committee through the Office a written explanation of this determination. In addition, the Office, the Commission and/or the Agency, at the request of the submitting mission or United Nations agency, will provide to the Committee a complete and thorough assessment of the humanitarian, economic and security implications, of the approval or denial of the GRL item(s), including the viability of the whole contract in which the GRL item(s) appears and the risk of diversion of the item(s) for military purposes. The assessment provided by the Office to the Committee should be transmitted in parallel by the Office to the submitting mission or United Nations agency. The Office will immediately inform appropriate United Nations agents of the finding of a GRL item(s) in the application and that the GRL item(s) may not be sold or supplied to Iraq unless otherwise notified by the Office that the procedures set forth in paragraphs 11 or 12 below have resulted in approval for sale or supply of the GRL item(s) to Iraq. The remaining items in the application, which are determined as not covered by the Goods Review List, will be considered approved for sale or supply to Iraq and, at the discretion of the submitting mission or United Nations agency, and with the consent of the contracting parties, will be processed according to the procedure in paragraph 10 below. The relevant approval letter may be issued for such approved items under request from the submitting mission or United Nations agency.

10. If the Commission and/or the Agency determine that the application does not contain any item referred to in paragraph 4 above, the Office of the Iraq Programme will immediately inform the Government of Iraq and the submitting mission or United Nations agency in written form. The exporter will be eligible for payment from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) upon verification by United Nations agents that the items in the application have arrived in Iraq as contracted. The Office and the United Nations Treasury will inform the banks within five working days that the items in the application have arrived in Iraq.

11. If the mission or United Nations agency submitting an application disagrees with the determination that an application contains an item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the Goods Review List, it may request a reconsideration of this decision, based on the provision of technical information and/or explanations not previously included in the application, within 10 working days to the Office of the Iraq Programme. In that event, the

Commission and/or the Agency will appoint experts to reconsider the item(s) in accordance with the procedures set out in paragraphs 4 to 6 above. The decision of the Commission and/or the Agency will be final and no further reconsideration will be permitted. The Commission and/or the Agency will provide to the Committee through the Office a written explanation of the final decision of the reconsideration process. Applications shall not be forwarded to the Committee until the reconsideration period has expired without a request being filed.

12. Upon receipt of an application pursuant to paragraphs 9 or 11 above, the Committee will have 10 working days to determine under existing procedures whether the item(s) may be sold or supplied to Iraq. The Committee may take a decision on an item(s) according to the following options: (a) approval; (b) approval subject to conditions as stipulated by the Committee; (c) denial; (d) request for additional information. Absent action by the Committee within the 10-working-day period, the application will be considered approved. A Committee member may request additional information. If the additional information is not provided in a 90-day period, the item(s) will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will be considered lapsed. The Office of the Iraq Programme should notify the submitting mission or United Nations agency in writing of any change in the status of the application. The Committee will have 20 working days to evaluate the requested additional information once provided by the submitting mission or United Nations agency. Absent action by the Committee during the 20 working day period, the item will be considered approved.

13. Where the Committee does not approve an item(s) for sale or supply to Iraq, the Committee will notify the submitting mission or United Nations agency with an explanation through the Office of the Iraq Programme accordingly. The submitting mission or United Nations agency will have 30 working days to petition the Office to have the Committee reconsider its decision based on new information not previously included in the application as reviewed by the Committee. A decision by the Committee on a petition received during this period shall be made within five working days and shall be considered final. Absent such a petition within 30 working days, the item will be considered ineligible for sale or supply to Iraq and the Office will notify the submitting mission or United Nations agency accordingly.

14. If an item(s) is found ineligible for sale or supply to Iraq or if an application is considered lapsed, the supplier may submit a new application based on either a new or an amended contract or donation documentation, and the new application will be evaluated under the procedures enumerated in this document and will be appended to the original application (for information purposes only and to facilitate review).

15. If an item(s) is substituted for an item(s) that is either found ineligible for sale or supply to Iraq or is considered lapsed, the new item(s) will be submitted as a new application under the procedures enumerated in this document and will be appended to the original application (for information purposes only and to facilitate review).

16. Experts from the Office of the Iraq Programme, the Commission and the Agency who evaluate applications should be drawn from the broadest possible geographical base.

17. The United Nations Secretariat will report to the Committee at the end of each phase on the status of all applications submitted during this period, including contracts recirculated pursuant to paragraph 19 below. The Secretariat will provide to members of the Committee, at their request, copies of applications approved by the Office of the Iraq Programme, the Commission and the Agency, within three working days after their approval, for information purposes only.

18. Notwithstanding the provisions of paragraph 17 above, all technical information transmitted to the Office of the Iraq Programme, the Commission and/or the Agency by the submitting missions or United Nations agency in accordance with these procedures is totally confidential.

19. The Office of the Iraq Programme will divide contracts currently on hold into two categories: category A and category B. Category A will contain contracts on hold that have been designated by the Commission as containing item(s) on one or more of Security Council resolution

1051 (1996) lists. Category A will also contain contracts that were both processed before the Council adopted resolution 1284 (1999) and assessed by one or more members of the Committee as containing item(s) on one or more of resolution 1051 (1996) lists. The Office will consider contracts in category A to be “returned to the submitting mission or United Nations agency” and will notify the submitting mission or United Nations agency accordingly, including national comments if possible. The submitting mission or United Nations agency may submit a contract in category A as a new application under the Goods Review List procedures. In category B will be all other contracts currently on hold. Contracts in category B will be recirculated by the Office under the List procedures. The Office will append the original committee registration number and national comments, for information purposes only, to any recirculated contracts. The Office should start this recirculation procedure within 60 days of adoption of the present resolution and should complete the recirculation process within 60 days thereafter.

20. The Office of the Iraq Programme shall approve humanitarian consumption rates and use levels for each chemical and medication specified in items 1, 2, 4, 5 and 8 of the Chemical Section and items 1 and 4 of the Biological Section of annex A to the present resolution. In establishing consumption rates, the Office shall be guided by information of typical civilian utilization of each item specified as appropriate for different periods of the year. The Office shall be guided further by the Council’s central objective to facilitate and expedite the flow of medicines and medicinal chemicals for the benefit of the Iraqi people while providing the Council with an opportunity to prevent stockpiling of such items to support military and weapons of mass destruction or missile applications. Proposed purchases by Iraq of these items that do not exceed the consumption rates established for each item shall be approved by the Secretariat; proposed purchases of these items that exceed the established consumption rates shall be referred to the Committee for review consistent with these procedures. The Office shall process applications for these materials in the interim 60-day period prior to the implementation of the present paragraph under the procedures established pursuant to resolution 1409 (2002).

### Decisions

On 9 January 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>191</sup>

“I have the honour to inform you that your letter dated 6 January 2003 concerning your proposal to appoint Brigadier-General Franciszek Gagor, of Poland, as the next Force Commander of the United Nations Iraq-Kuwait Observation Mission<sup>192</sup> has been brought to the attention of the members of the Security Council, who take note of the proposal.”

At its 4692nd meeting, on 27 January 2003, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled “The situation between Iraq and Kuwait”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission, and Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency.

At its 4701st meeting, on 5 February 2003, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled “The situation between Iraq and Kuwait”.

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<sup>191</sup> S/2003/28.

<sup>192</sup> S/2003/27.

At its 4707th meeting, on 14 February 2003, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled “The situation between Iraq and Kuwait”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission, and Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency.

At its 4708th meeting, held in private on 14 February 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4708th meeting, held in private on 14 February 2003, the Security Council considered the item entitled ‘The situation between Iraq and Kuwait’.

“The President, with the consent of the Council, extended invitations under rule 39 of the provisional rules of procedure of the Council, to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission, and Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency.

“The members of the Council, Mr. Blix and Mr. ElBaradei had a constructive exchange of views.”

At its 4709th meeting, on 18 February 2003, the Council decided to invite the representatives of Albania, Algeria, Argentina, Australia, Bahrain, Belarus, Brazil, Canada, Costa Rica, Cuba, Ecuador, Egypt, Fiji, the Gambia, Georgia, Greece, Honduras, Iceland, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Jordan, Kuwait, Latvia, Lebanon, the Libyan Arab Jamahiriya, Liechtenstein, Malaysia, the Marshall Islands, Morocco, New Zealand, Nicaragua, Nigeria, Oman, Peru, Qatar, the Republic of Korea, Saint Lucia, Saudi Arabia, Singapore, South Africa, Sri Lanka, the Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Arab Emirates, Uruguay, Uzbekistan, Viet Nam and Yemen to participate, without vote, in the discussion of the item entitled:

“The situation between Iraq and Kuwait

“Letter dated 6 February 2003 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council (S/2003/153)”.

At the same meeting, in response to the request dated 13 February 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council,<sup>193</sup> the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations.

Upon resumption of the meeting, on 19 February 2003, the Council further decided to invite the representatives of El Salvador, Mauritius, Norway, Paraguay, Serbia and Montenegro and Zimbabwe to participate, without vote, in the discussion of the item.

At the same meeting, the Council decided to extend an invitation to the Permanent Observer of the Holy See to the United Nations to participate in the discussion of the item.

At its 4714th meeting, on 7 March 2003, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled:

“The situation between Iraq and Kuwait

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<sup>193</sup> Document S/2003/184, incorporated in the record of the 4709th meeting.

“Note by the Secretary-General (S/2003/232)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission, and Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency.

At its 4717th meeting, on 11 March 2003, the Council decided to invite the representatives of Albania, Algeria, Argentina, Australia, Belarus, Bolivia, Brazil, Canada, Colombia, Cuba, the Dominican Republic, Egypt, El Salvador, Georgia, Greece, Iceland, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Kuwait, the Lao People’s Democratic Republic, Latvia, Lebanon, the Libyan Arab Jamahiriya, Malaysia, New Zealand, Nicaragua, Nigeria, Norway, the Philippines, the Republic of Korea, Singapore, South Africa, the Sudan, Switzerland, Thailand, Turkey, Viet Nam and Zimbabwe to participate, without vote, in the discussion of the item entitled:

“The situation between Iraq and Kuwait

“Letter dated 7 March 2003 from the Chargé d’affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the President of the Security Council (S/2003/283)”.

At the same meeting, in response to the request dated 11 March 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council,<sup>194</sup> the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations.

At the same meeting, in response to the request dated 11 March 2003 from the Chargé d’affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council,<sup>195</sup> the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations.

Upon resumption of the meeting, on 12 March 2003, the Council decided to invite the representatives of Bolivia, Liechtenstein, Malawi, Morocco, Panama, Papua New Guinea, Peru, Senegal, the former Yugoslav Republic of Macedonia, Tunisia, Venezuela, Zambia and Zimbabwe to participate, without vote, in the discussion of the item.

At its 4721st meeting, on 19 March 2003, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled “The situation between Iraq and Kuwait”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission, and Mr. Gustavo Zlauvinen, representative of the Director General of the International Atomic Energy Agency.

At its 4726th meeting, on 26 March 2003, the Council decided to invite the representatives of Albania, Algeria, Argentina, Australia, Belarus, Brazil, Canada, Colombia, Costa Rica, Cuba, the Czech Republic, Egypt, El Salvador, Ethiopia, Georgia, Greece, Guatemala, Honduras, Iceland, India, Indonesia, the Islamic Republic of Iran, Iraq, Jamaica, Japan, Kuwait, the Lao People’s Democratic Republic, Latvia, Lebanon, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malaysia, the Marshall Islands, Mauritius, the Federated States of Micronesia,

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<sup>194</sup> Document S/2003/292, incorporated in the record of the 4717th meeting.

<sup>195</sup> Document S/2003/298, incorporated in the record of the 4717th meeting.

Mongolia, Morocco, New Zealand, Nicaragua, Norway, Poland, the Republic of Korea, Saudi Arabia, Singapore, Slovakia, South Africa, the Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, the United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen and Zimbabwe to participate, without vote, in the discussion of the item entitled:

“The situation between Iraq and Kuwait

“Letter dated 24 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council (S/2003/362)

“Letter dated 24 March 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the Security Council (S/2003/363)”.

At the same meeting, in response to the request dated 26 March 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council,<sup>196</sup> the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations.

At the same meeting, in response to the request dated 26 March 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council,<sup>197</sup> the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations.

At the same meeting, the Council decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 26 March 2003 to the President of the Council,<sup>198</sup> in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

Upon resumption of the meeting, on 27 March 2003, the Council also decided to invite the representatives of the Dominican Republic, Jordan, Kenya, Kyrgyzstan, Slovenia, Sri Lanka and Timor-Leste to participate, without vote, in the discussion of the item.

At its 4732nd meeting, on 28 March 2003, the Council considered the item entitled “The situation between Iraq and Kuwait”.

**Resolution 1472 (2003)  
of 28 March 2003**

*The Security Council,*

*Noting* that under the provisions of article 55 of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>199</sup> to the fullest extent of the means available to it, the occupying Power has the duty of ensuring the food and medical supplies of the population, and should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate,

*Convinced* of the urgent need to continue to provide humanitarian relief to the people of Iraq throughout the country on an equitable basis, and of the need to extend such humanitarian relief measures to the people of Iraq who leave the country as a result of hostilities,

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<sup>196</sup> Document S/2003/370, incorporated in the record of the 4726th meeting.

<sup>197</sup> Document S/2003/371, incorporated in the record of the 4726th meeting.

<sup>198</sup> Document S/2003/372, incorporated in the record of the 4726th meeting.

<sup>199</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

*Recalling* its relevant resolutions, in particular resolutions 661 (1990) of 6 August 1990, 986 (1995) of 14 April 1995, 1409 (2002) of 14 May 2002 and 1454 (2002) of 30 December 2002, as they provide for humanitarian relief to the people of Iraq,

*Noting* the decision taken by the Secretary-General on 17 March 2003 to withdraw all United Nations and international staff tasked with the implementation of the “Oil-for-Food” Programme (hereinafter “the Programme”) established pursuant to resolution 986 (1995),

*Stressing* the necessity to make every effort to sustain the operation of the present national food basket distribution network,

*Stressing also* the need for consideration of a further reassessment of the Programme during and after the emergency phase,

*Reaffirming* the respect for the right of the people of Iraq to determine their own political future and to control their own natural resources,

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

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

1. *Requests* all parties concerned to abide strictly by their obligations under international law, in particular the Geneva Conventions of 1949<sup>200</sup> and the Regulations concerning the Laws and Customs of War on Land, adopted at the Hague on 18 October 1907,<sup>201</sup> including those relating to the essential civilian needs of the people of Iraq, both inside and outside Iraq;

2. *Calls upon* the international community also to provide immediate humanitarian assistance to the people of Iraq, both inside and outside Iraq in consultation with relevant States, and in particular to respond immediately to any future humanitarian appeal of the United Nations, and supports the activities of the International Committee of the Red Cross and other international humanitarian organizations;

3. *Recognizes* that additionally, in view of the exceptional circumstances prevailing currently in Iraq, on an interim and exceptional basis, technical and temporary adjustments should be made to the Programme so as to ensure the implementation of the approved funded and non-funded contracts concluded by the Government of Iraq for the humanitarian relief of the people of Iraq, including to meet the needs of refugees and internally displaced persons, in accordance with the present resolution;

4. *Authorizes* the Secretary-General and representatives designated by him to undertake as an urgent first step, and with the necessary coordination, the following measures:

(a) To establish alternative locations, both inside and outside Iraq, in consultation with the respective Governments, for the delivery, inspection and authenticated confirmation of humanitarian supplies and equipment provided under the Programme, as well as to re-direct shipments of goods to those locations, as necessary;

(b) To review, as a matter of urgency, the approved funded and non-funded contracts concluded by the Government of Iraq to determine the relative priorities of the need for adequate medicine, health supplies, foodstuffs and other materials and supplies for essential civilian needs represented in these contracts, which can be shipped within the period of the present mandate, to proceed with these contracts in accordance with such priorities;

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<sup>200</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>201</sup> See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).



(c) To contact suppliers of these contracts to determine the precise location of contracted goods and, when necessary, to require suppliers to delay, accelerate or divert shipments;

(d) To negotiate and agree upon necessary adjustments in the terms or conditions of these contracts and their respective letters of credit and to implement the measures referred to in paragraphs 4 (a), (b) and (c), notwithstanding distribution plans approved under the Programme;

(e) To negotiate and execute new contracts for essential medical items under the Programme and to authorize issuance of the relevant letters of credit, notwithstanding approved distribution plans, provided that such items cannot be delivered in execution of contracts pursuant to paragraph 4 (b) and subject to the approval of the Security Council Committee established by resolution 661 (1990);

(f) To transfer unencumbered funds between the accounts created pursuant to paragraphs 8 (a) and (b) of resolution 986 (1995) on an exceptional and reimbursable basis as necessary to ensure the delivery of essential humanitarian supplies to the people of Iraq and to use the funds in the escrow accounts referred to in paragraphs 8 (a) and (b) of resolution 986 (1995) to implement the Programme as provided for in the present resolution, irrespective of the phase in which such funds entered the escrow accounts or the phase to which those funds may have been allocated;

(g) To use, subject to procedures to be decided by the Committee prior to the end of the period set out in paragraph 10 below and based on recommendations provided by the Office of the Iraq Programme, funds deposited in the accounts created pursuant to paragraphs 8 (a) and (b) of resolution 986 (1995), as necessary and appropriate, to compensate suppliers and shippers for agreed additional shipping, transportation and storage costs incurred as a result of diverting and delaying shipments as directed by him according to the provisions of paragraphs 4 (a), (b) and (c) in order to perform his functions set out in paragraph 4 (d);

(h) To meet additional operational and administrative costs resulting from the implementation of the temporarily modified Programme by the funds in the escrow account established pursuant to paragraph 8 (d) of resolution 986 (1995) in the same manner as costs arising from those activities set forth in paragraph 8 (d) of resolution 986 (1995) in order to perform his functions set out in paragraph 4(d);

(i) To use funds deposited in the escrow accounts established pursuant to paragraphs 8 (a) and (b) of resolution 986 (1995) for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, including, where appropriate, the costs of milling, transportation and other costs necessary to facilitate the delivery of essential humanitarian supplies to the people of Iraq;

5. *Expresses its readiness* as a second step to authorize the Secretary-General to perform additional functions with the necessary coordination, as soon as the situation permits, as activities of the Programme in Iraq resume;

6. *Expresses its readiness also* to consider making additional funds available, including from the account created pursuant to paragraph 8 (c) of resolution 986 (1995), on an exceptional and reimbursable basis, to meet further the humanitarian needs of the people of Iraq;

7. *Decides* that, notwithstanding the provisions of resolution 661 (1990) and resolution 687 (1991) of 3 April 1991 and for the duration of the present resolution, all applications outside the Programme submitted by the United Nations agencies, programmes and funds, other international organizations and non-governmental organizations for distribution or use in Iraq of emergency humanitarian supplies and equipment, other than medicines, health supplies and foodstuffs, shall be reviewed by the Committee, under a 24-hour no-objection procedure;

8. *Urges* all parties concerned, consistent with the Geneva Conventions and the Hague Regulations, to allow full, unimpeded access by international humanitarian organizations to all people of Iraq in need of assistance, to make available all necessary facilities for their operations

and to promote the safety, security and freedom of movement of United Nations and associated personnel and their assets, as well as personnel of humanitarian organizations in Iraq in meeting such needs;

9. *Directs* the Committee to monitor closely the implementation of the provisions of paragraph 4 above and, in that regard, requests the Secretary-General to update the Committee on the measures as they are being taken and to consult with the Committee on prioritization of contracts for shipments of goods, other than foodstuffs, medicines, health and water sanitation related supplies;

10. *Decides* that the provisions contained in paragraph 4 above shall remain in force for a period of 45 days following the date of adoption of the present resolution and may be subject to further renewal by the Council;

11. *Requests* the Secretary-General to take all measures required for the implementation of the present resolution and to report to the Council prior to the termination of the period defined in paragraph 10 above;

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

*Adopted unanimously at the 4732nd meeting.*

### **Decisions**

On 3 April 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>202</sup>

“In accordance with the provisions of Security Council resolution 689 (1991) of 9 April 1991 and in the light of your report of 31 March 2003,<sup>203</sup> the members of the Security Council have reviewed the question whether to terminate or to continue the United Nations Iraq-Kuwait Observation Mission and its operational modalities. In so doing, they have noted that the Mission is currently unable to fulfil its mandate as a result of the situation on the ground.

“The members of the Council concur with your recommendation that a peacekeeping presence should be retained at an appropriate level for a further three months, until 6 July 2003, subject to any further decisions the Council may take regarding the mandate of the Mission.”

At its 4743rd meeting, on 24 April 2003, the Council considered the item entitled “The situation between Iraq and Kuwait”.

### **Resolution 1476 (2003) of 24 April 2003**

*The Security Council,*

*Recalling* its relevant resolutions, in particular resolutions 661 (1990) of 6 August 1990, 986 (1995) of 14 April 1995, 1409 (2002) of 14 May 2002, 1454 (2002) of 30 December 2002 and 1472 (2003) of 28 March 2003, as they provide for humanitarian relief to the people of Iraq,

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

1. *Decides* that the provisions contained in paragraph 4 of resolution 1472 (2003) shall remain in force until 3 June 2003 and may be subject to further renewal by the Council;

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

*Adopted unanimously at the 4743rd meeting.*

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<sup>202</sup> S/2003/400.

<sup>203</sup> S/2003/393 and Add.1.

### Decision

At its 4761st meeting, on 22 May 2003, the Security Council considered the item entitled “The situation between Iraq and Kuwait”.

#### **Resolution 1483 (2003) of 22 May 2003**

*The Security Council,*

*Recalling* all its relevant resolutions,

*Reaffirming* the sovereignty and territorial integrity of Iraq,

*Reaffirming also* the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,

*Stressing* the right of the Iraqi people freely to determine their own political future and to control their own natural resources, welcoming the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and expressing resolve that the day when Iraqis govern themselves must come quickly,

*Encouraging* efforts by the people of Iraq to form a representative Government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion or gender, and, in this connection, recalling resolution 1325 (2000) of 31 October 2000,

*Welcoming* the first steps of the Iraqi people in this regard, and noting in this connection the Nasiriyah statement of 15 April 2003 and the Baghdad statement of 28 April 2003,

*Resolved* that the United Nations should play a vital role in humanitarian relief, in the reconstruction of Iraq and in the restoration and establishment of national and local institutions for representative governance,

*Taking note* of the statement made on 12 April 2003 by the Finance Ministers and Central Bank Governors of the Group of Seven Industrialized Nations in which they recognized the need for a multilateral effort to help to rebuild and develop Iraq and the need for assistance from the International Monetary Fund and the World Bank in these efforts,

*Welcoming* the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,

*Welcoming also* the appointment by the Secretary-General of his Special Adviser on Iraq,

*Affirming* the need for accountability for crimes and atrocities committed by the previous Iraqi regime,

*Stressing* the need for respect for the archaeological, historical, cultural and religious heritage of Iraq and for the continued protection of archaeological, historical, cultural and religious sites, as well as museums, libraries and monuments,

*Noting* the letter dated 8 May 2003 from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council,<sup>204</sup> and recognizing the specific authorities, responsibilities and obligations under applicable international law of these States as occupying Powers under unified command (“the Authority”),

*Noting also* that other States that are not occupying Powers are working now, or in the future may work, under the Authority,

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<sup>204</sup> S/2003/538.

*Welcoming* the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment and other resources under the Authority,

*Concerned* that many Kuwaitis and third-State nationals have not been accounted for since 2 August 1990,

*Determining* that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

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

1. *Appeals* to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with the present resolution;

2. *Calls upon* all Member States in a position to do so to respond immediately to the humanitarian appeals of the United Nations and other international organizations for Iraq and to help to meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure;

3. *Appeals* to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;

4. *Calls upon* the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;

5. *Calls upon* all concerned to comply fully with their obligations under international law, in particular the Geneva Conventions of 1949<sup>200</sup> and the Regulations concerning the Laws and Customs of War on Land, adopted at the Hague on 18 October 1907,<sup>201</sup>

6. *Calls upon* the Authority and relevant organizations and individuals to continue efforts to locate, identify and repatriate all Kuwaiti and third-State nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and in this regard directs the High-Level Coordinator, in consultation with the International Committee of the Red Cross and the Tripartite Commission, and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfil his mandate with respect to the fate of Kuwaiti and third-State national missing persons and property;

7. *Decides* that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance, illegally removed from the Iraq National Museum, the National Library and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and calls upon the United Nations Educational, Scientific, and Cultural Organization, Interpol and other international organizations, as appropriate, to assist in the implementation of the present paragraph;

8. *Requests* the Secretary-General to appoint a Special Representative for Iraq, whose independent responsibilities shall involve reporting regularly to the Council on his activities pursuant to the present resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq and, in coordination with the Authority, assisting the people of Iraq through:

(a) Coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;

(b) Promoting the safe, orderly and voluntary return of refugees and displaced persons;

(c) Working intensively with the Authority, the people of Iraq and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative Government of Iraq;

(d) Facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;

(e) Promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors and the international financial institutions;

(f) Encouraging international efforts to contribute to basic civilian administration functions;

(g) Promoting the protection of human rights;

(h) Encouraging international efforts to rebuild the capacity of the Iraqi civilian police force;

(i) Encouraging international efforts to promote legal and judicial reform;

9. *Supports* the formation, by the people of Iraq with the help of the Authority and working with the Special Representative of the Secretary-General, of an Iraqi interim administration as a transitional administration run by Iraqis until an internationally recognized, representative Government is established by the people of Iraq and assumes the responsibilities of the Authority;

10. *Decides* that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of the present and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established pursuant to resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;

11. *Reaffirms* that Iraq must meet its disarmament obligations, encourages the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and underlines the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999 and 1441 (2002) of 8 November 2002;

12. *Notes* the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq, and looks forward to the early meeting of that Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development and of the President of the World Bank;

13. *Notes also* that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

14. *Underlines* the fact that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for economic reconstruction and the

repair of Iraq's infrastructure, for the continued disarmament of Iraq, for the costs of Iraqi civilian administration and for other purposes benefiting the people of Iraq;

15. *Calls upon* the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and welcomes the readiness of creditors, including those of the Paris Club, to seek a solution to the sovereign debt problems of Iraq;

16. *Requests* that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities pursuant to Council resolutions 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of the present resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the "Oil-for-Food" Programme (the Programme), both at Headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:

(a) To facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4 (d) of resolution 1472 (2003);

(b) To review, in the light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative Government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;

(c) To provide to the Council within 21 days following the adoption of the present resolution, for the review and consideration of the Council, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8 (d) of resolution 986 (1995) of 14 April 1995, identifying:

(i) All known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

(ii) All known and projected costs associated with termination of the Programme;

(iii) All known and projected costs associated with restoring funds of the Government of Iraq that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992);

(iv) All known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six-month time period defined above, following which these costs shall be borne by the United Nations;

(d) To consolidate into a single fund the accounts established pursuant to paragraphs 8 (a) and (b) of resolution 986 (1995);

(e) To fulfil all remaining obligations related to the termination of the Programme, including negotiating, in the most cost-effective manner, any necessary settlement payments, which shall be made from the escrow accounts established pursuant to paragraphs 8 (a) and (b) of

resolution 986 (1995), with those parties that have previously entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related agencies under the accounts established pursuant to paragraphs 8 (b) and (d) of resolution 986 (1995);

(f) To provide the Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;

17. *Requests also* that the Secretary-General transfer as soon as possible to the Development Fund for Iraq one billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and decides that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), (b), (d), and (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;

18. *Decides* to terminate, effective on the adoption of the present resolution, the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. *Decides also* to terminate the Security Council Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six-month period called for in paragraph 16 above, and decides further that the Committee shall identify individuals and entities referred to in paragraph 23 below;

20. *Decides further* that all export sales of petroleum, petroleum products and natural gas from Iraq following the date of adoption of the present resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative Government of Iraq is properly constituted;

21. *Decides* that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established pursuant to resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative Government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding upon a properly constituted, internationally recognized, representative Government of Iraq and any successor thereto;

22. *Notes* the relevance of the establishment of an internationally recognized, representative Government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, decides that, until 31 December 2007, unless the Council decides otherwise, petroleum, petroleum products and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser, from legal proceedings against them and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with

respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of the present resolution;

23. *Decides* that all Member States in which there are:

(a) Funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of adoption of the present resolution; or

(b) Funds or other financial assets or economic resources that have been removed from Iraq or acquired by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction,

shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative Government of Iraq; and decides also that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22 above;

24. *Requests* the Secretary-General to report to the Council at regular intervals on the work of his Special Representative with respect to the implementation of the present resolution and on the work of the International Advisory and Monitoring Board, and encourages the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts pursuant to the present resolution;

25. *Decides* to review the implementation of the present resolution within twelve months of the adoption thereof and to consider further steps that might be necessary;

26. *Calls upon* Member States and international and regional organizations to contribute to the implementation of the present resolution;

27. *Decides* to remain seized of this matter.

*Adopted at the 4761st meeting by 14 votes to none.  
One member (Syrian Arab Republic) did not  
participate in the vote.*<sup>205</sup>

### Decisions

On 27 May 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>206</sup>

“I have the honour to inform you that your letter dated 23 May 2003 concerning your intention to appoint Mr. Sergio Vieira de Mello as your Special Representative for Iraq<sup>207</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.”

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<sup>205</sup> Upon resumption of the 4762nd meeting in the afternoon of 22 May 2003, the representative of the Syrian Arab Republic took the floor in connection with this vote, explaining that the Syrian Arab Republic would have voted in favour of this resolution had it been granted the additional time before the voting that it had requested on more than one occasion. The text of his statement is in the record of the 4762nd meeting (S/PV.4762 (resumption 1) and S/2003/567).

<sup>206</sup> S/2003/571.

<sup>207</sup> S/2003/570.



At its 4768th meeting, on 5 June 2003, the Council considered the item entitled:

“The situation between Iraq and Kuwait

“Note by the Secretary-General (S/2003/580)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission.

At its 4783rd meeting, on 3 July 2003, the Council considered the item entitled:

“The situation between Iraq and Kuwait

“Report of the Secretary-General on the activities of the United Nations Iraq-Kuwait Observation Mission (S/2003/656)”.

**Resolution 1490 (2003)  
of 3 July 2003**

*The Security Council,*

*Recalling* all its relevant resolutions, including resolutions 687 (1991) of 3 April 1991, 689 (1991) of 9 April 1991, 806 (1993) of 5 February 1993, 833 (1993) of 27 May 1993 and 1483 (2003) of 22 May 2003,

*Taking note* of the report of the Secretary-General of 17 June 2003 on the United Nations Iraq-Kuwait Observation Mission,<sup>208</sup>

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

*Recognizing* that the continued operation of the Mission and of a demilitarized zone established pursuant to resolution 687 (1991) is no longer necessary to protect against threats to international security posed by Iraqi actions against Kuwait,

*Expressing its appreciation* for the substantial voluntary contributions made to the Mission by the Government of Kuwait,

*Commending* the superior role played by personnel of the Mission and the Department of Peacekeeping Operations of the Secretariat, and noting that the Mission successfully fulfilled its mandate from 1991 to 2003,

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

1. *Decides* to continue the mandate of the United Nations Iraq-Kuwait Observation Mission for a final period, until 6 October 2003;
2. *Directs* the Secretary-General to negotiate the transfer of non-removable property of the Mission and of those assets that cannot be disposed of otherwise to the States of Kuwait and Iraq, as appropriate;
3. *Decides* to end the demilitarized zone extending 10 kilometres into Iraq and 5 kilometres into Kuwait from the Iraq-Kuwait border at the end of mandate of the Mission on 6 October 2003;
4. *Requests* the Secretary-General to report to the Security Council on the completion of the mandate of the Mission;

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<sup>208</sup> S/2003/656.

5. *Expresses its appreciation* of the decision of the Government of Kuwait to defray, since 1 November 1993, two thirds of the cost of the Mission;

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

*Adopted unanimously at the 4783rd meeting.*

#### **Decisions**

At its 4791st meeting, on 22 July 2003, the Security Council considered the item entitled:

“The situation between Iraq and Kuwait

“Report of the Secretary-General pursuant to paragraph 24 of Security Council resolution 1483 (2003) (S/2003/715)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Sergio Vieira de Mello, Special Representative of the Secretary-General for Iraq.

At the same meeting, in response to the request dated 17 July 2003 from the representative of Spain to the United Nations addressed to the President of the Security Council,<sup>209</sup> the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Adnan Pachachi, Mr. Ahmed Chalabi and Ms. Aqeela al-Hashemi, members of the Governing Council of Iraq.

### **B. Response to the humanitarian situation in Iraq**

#### **Decisions**

At its 4762nd meeting, on 22 May 2003, the Security Council considered the item entitled “Response to the humanitarian situation in Iraq”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme, Mr. James Morris, Executive Director of the World Food Programme, Mr. David Nabarro, Executive Director of Sustainable Development and Healthy Environments and Senior Policy Adviser to the Director-General of the World Health Organization, Mr. Nils Kastberg, Director of Emergency Programmes of the United Nations Children’s Fund, and Mr. Jakob Kellenberger, President of the International Committee of the Red Cross.

Upon resumption of the meeting, on 22 May 2003, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

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### **SMALL ARMS<sup>210</sup>**

#### **Decisions**

At its 4623rd meeting, on 11 October 2002, the Security Council decided to invite the representatives of Argentina, Australia, Canada, Chile, the Congo, Costa Rica, Croatia, Denmark, Egypt, India, Indonesia, Israel, Jamaica, Japan, Kenya, Malawi, Namibia, Nigeria, the Philippines,

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<sup>209</sup> Document S/2003/750, incorporated in the record of the 4791st meeting.

<sup>210</sup> Resolutions or decisions on this question were also adopted by the Security Council in 1999 and 2001.

the Republic of Korea, Senegal, South Africa, Switzerland, Ukraine and Zambia to participate, without vote, in the discussion of the item entitled:

“Small arms

“Report of the Secretary-General (S/2002/1053)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs.

Upon resumption of the meeting, on 11 October 2002, the Council further decided to invite the representative of Pakistan to participate, without vote, in the discussion of the item.

At its 4639th meeting, on 31 October 2002, the Council considered the item entitled:

“Small arms

“Report of the Secretary-General (S/2002/1053)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>211</sup>

“The Security Council reaffirms the statement by its President of 24 September 1999,<sup>212</sup> its resolution 1209 (1998) of 19 November 1998 and the statement by its President of 31 August 2001,<sup>213</sup> takes note with appreciation of the report of the Secretary-General on small arms of 20 September 2002<sup>214</sup> and welcomes all initiatives taken by Member States following the adoption of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, on 20 July 2001,<sup>215</sup> by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The Council expresses grave concern at the harmful impact of small arms and light weapons on civilians in situations of armed conflict, particularly on vulnerable groups such as women and children, and recalls in this regard its resolutions 1296 (2000) of 19 April 2000, 1314 (2000) of 11 August 2000 and 1379 (2001) of 20 November 2001, as well as the statement by its President of 7 May 2002.<sup>216</sup>

“The Council encourages all Member States to continue to take all measures to implement fully at the national, regional and international levels the recommendations contained in the Programme of Action. The Council recognizes its responsibility to examine ways and means in which it can further contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration.

“The Council reaffirms the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations and, subject to the Charter, the right of each State to import, produce and retain small arms and light weapons for its self-defence and security needs. Bearing in mind the considerable volume of licit trade in small arms and light weapons, the Council encourages States to adopt legislative and other measures to ensure effective control over the export, import, transit, stocking and storage of small arms and light weapons. The Council urges Member States to consistently and responsibly use end-user certificates in their transfers of small arms and light weapons, and calls upon States to establish an effective national end-user certificate system and to study

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<sup>211</sup> S/PRST/2002/30.

<sup>212</sup> S/PRST/1999/28.

<sup>213</sup> S/PRST/2001/21.

<sup>214</sup> S/2002/1053.

<sup>215</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

<sup>216</sup> S/PRST/2002/12.

the feasibility, as appropriate, of developing an end-user certificate system at the regional and global levels, as well as an information exchange and verification mechanism.

“Arms-exporting countries are encouraged to exercise the highest degree of responsibility in small arms and light weapons transactions. All States have the responsibility of preventing the illegal diversion and re-export of small arms and light weapons. The Council welcomes the establishment of the United Nations Group of Governmental Experts with a mandate to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The Council encourages international cooperation in the consideration of the origin and transfer of small arms and light weapons.

“The Council stresses the importance of further steps being taken to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, and calls upon States that have not already done so to establish, where applicable, a national register of arms brokers and, in the case of the supply of arms to embargoed destinations, of intermediary firms, including transport agents. The Council urges States to impose appropriate penalties for all illicit brokering activities, as well as arms transfers that violate Council embargoes, and to take appropriate enforcement action.

“The Council stresses the need for cooperation and sharing of information among Member States, among the different sanctions committees and among the panels of experts and the monitoring mechanism on arms traffickers that have violated arms embargoes established by the Council. The Council welcomes the identification, in cooperation with the States concerned, of arms traffickers who have violated the arms embargoes. The Council calls upon Member States to impose appropriate penalties on arms traffickers who have violated its arms embargoes. In this connection, the Council calls upon Member States to provide technical and financial support to Interpol’s International Weapons and Explosives Tracking System.

“The Council recognizes the important role that the Coordinating Action on Small Arms Mechanism can play in assisting Member States with the implementation of the Programme of Action. In this regard, the Council notes the proposal of the Secretariat to create a Small Arms Advisory Service.

“The Council recognizes the important role of arms embargoes, as targeted measures, and their contribution to an overall strategy for preventive diplomacy, particularly with respect to illicit trade in small arms and light weapons. In this regard, the Council underlines the importance of pursuing more vigorously and expeditiously the application of arms embargoes in countries or regions threatened by, engaged in or emerging from armed conflict and of promoting their effective implementation. The Council shall also consider taking measures to restrict the supply of ammunition to such regions.

“The Council recognizes that the primary responsibility for the implementation of sanctions measures rests with States. At the same time, the Council underlines the importance of establishing, on a case-by-case basis, specific monitoring mechanisms or similar arrangements, as appropriate, to oversee the strict implementation of arms embargoes decided by the Council. The Council may wish to study ways to strengthen such mechanisms with a view towards better coordinating their work. The Council should consider innovative strategies to address the close interrelationship between the illicit trade in small arms and light weapons and, among other things, drug trafficking, terrorism, organized crime and the illicit exploitation of natural and other resources. In this regard, the Council calls upon Member States to make available all relevant information concerning such activities.

“The Council reiterates its call for the effective implementation of arms embargoes imposed by the Council pursuant to its relevant resolutions, and encourages Member States to provide the sanctions committees with available information on alleged violations of arms

embargoes. The Council also calls upon Member States to give due consideration to the recommendations contained in the report of the Monitoring Group established pursuant to resolution 1390 (2002),<sup>217</sup> the report of the Monitoring Mechanism on Angola Sanctions,<sup>218</sup> the report of the Panel of Experts on Sierra Leone Diamonds and Arms appointed pursuant to paragraph 19 of resolution 1306 (2000),<sup>219</sup> and the reports of the Panel of Experts on Liberia.<sup>220</sup>

“The Council stresses the need to engage the relevant international organizations, non-governmental organizations, business and financial institutions and other actors at the international, regional and local levels to contribute to the implementation of arms embargoes.

“Arms embargoes help to reduce arms flows to the targeted regions and groups but do not address the issue of weapons already existing in conflict areas. The Council therefore reiterates the importance of carrying out disarmament, demobilization and reintegration programmes as comprehensively and effectively as possible in post-conflict situations under its consideration.

“The Council requests the Secretary-General to report, no later than December 2003, on the implementation of all the recommendations contained in his report.”

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## THE SITUATION IN THE GREAT LAKES REGION<sup>221</sup>

### Decision

On 18 October 2002, the President of the Security Council addressed the following letter to the Secretary-General.<sup>222</sup>

“I have the honour to inform you that your letter dated 9 October 2002 concerning your intention to extend the mandate of Mr. Ibrahima Fall as your Special Representative for the Great Lakes Region until 31 December 2003<sup>223</sup> has been brought to the attention of the members of the Security Council. They have taken note of your intention and look forward to receiving the assessment and proposals referred to in your letter.”

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## STRENGTHENING COOPERATION BETWEEN THE UNITED NATIONS SYSTEM AND THE CENTRAL AFRICAN REGION IN THE MAINTENANCE OF PEACE AND SECURITY

### Decisions

At its 4630th meeting, on 22 October 2002, the Security Council decided to invite the representatives of Burundi, the Central African Republic, Chad, the Congo, the Democratic

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<sup>217</sup> S/2002/1050 and Corr.1, annex.

<sup>218</sup> S/2000/1225 and Corr.1 and 2, annex.

<sup>219</sup> See S/2000/1195.

<sup>220</sup> S/2001/1015, annex, and S/2002/470, annex.

<sup>221</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1996, 1998, 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>222</sup> S/2002/1175.

<sup>223</sup> S/2002/1174.

Republic of the Congo, Denmark, Egypt, Equatorial Guinea, Gabon and Japan to participate, without vote, in the discussion of the item entitled:

“Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security

“Letter dated 21 October 2002 from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council (S/2002/1179)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs, Mr. Emmanuel Mbi, Country Director for South-Central Africa and the Great Lakes Region, of the World Bank, Ms. Julia Taft, Director of the Bureau for Crisis Prevention and Recovery of the United Nations Development Programme, and Mr. Ivan Šimonović, President of the Economic and Social Council.

At the same meeting, in response to the request dated 21 October 2002 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council,<sup>224</sup> the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Amadou Kébé, Permanent Observer of the African Union to the United Nations.

At the same meeting, in response to the request dated 21 October 2002 from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council,<sup>225</sup> the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Nelson Cosme, Deputy Secretary-General of the Economic Community of Central African States.

At its 4640th meeting, on 31 October 2002, the Council considered the item entitled:

“Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security

“Letter dated 21 October 2002 from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council (S/2002/1179)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>226</sup>

“The Security Council recalls all the statements by its President concerning the situation in Africa and the action taken by the United Nations, in particular the Council, in the field of preventive diplomacy, peacemaking, peacekeeping and peace-building.

“The Council emphasizes the importance of the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa.<sup>227</sup>

“The Council recognizes that, despite its enormous potential which could make it one of the poles of development of the continent, Central Africa has yet to achieve the stability that would enable it to utilize its resources to the maximum benefit of its population in an equitable manner.

“The Council notes that five of the twelve peacekeeping and peace-building missions under way on the continent are established in Central Africa. The Council also notes that, of

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<sup>224</sup> Document S/2002/1178, incorporated in the record of the 4630th meeting.

<sup>225</sup> Document S/2002/1181, incorporated in the record of the 4630th meeting.

<sup>226</sup> S/PRST/2002/31.

<sup>227</sup> S/1998/318.

the sixteen Special Representatives and Special Envoys of the Secretary-General in Africa, six are in Central Africa. In this regard, it notes the work being done by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa to improve the effectiveness of the office of the special representative of the Secretary-General in Africa.

“The Council observes that the inadequacy of institutional and human capacities, particularly those directed towards the integration process, has hindered social, economic and political integration in Central Africa.

“The Council takes note with satisfaction of the efforts made by the Central African States, both on their own initiative and with the support of the international community, to focus on the difficulties afflicting this key region of Africa. It also commends the progress made by certain Central African countries with regard to the promotion of democracy, the protection of human rights and sustainable development and encourages further efforts in this regard throughout the region.

“The Council welcomes the increasing awareness of these difficulties among the Central African States which, at the ninth session of the Summit of Heads of State and Government, held at Malabo on 24 June 1999, permitted a revival of the activities of the Economic Community of Central African States, and in particular the incorporation of a collective security component. In that connection, the heads of State and Government set three principal priorities:

“(a) To develop sufficient capacities to ensure peace, security and stability in the region, as a prerequisite for economic development;

“(b) To promote the social, economic and monetary integration of Central Africa;

“(c) To develop within the subregion a genuine culture of integration.

“The Council also welcomes subregional efforts to promote conflict prevention, management and resolution in Central Africa. In that connection, the Council recognizes the steps taken by Central African countries to settle conflicts by peaceful means, including through the conclusion, with the strong support of the United Nations Standing Advisory Committee on Security Questions in Central Africa, of a Protocol establishing, on 24 June 2000, the Council for Peace and Security in Central Africa, comprising a Mutual Assistance Pact and a Non-Aggression Pact.<sup>228</sup> In this regard, it encourages its speedy ratification and implementation by all the countries concerned and urges States Members of the United Nations that are in a position to do so to support the operationalization of its main structures, inter alia, the Central African Early Warning Mechanism, the Defence and Security Commission, and the Central African Multinational Force, with the full support of the United Nations system.

“The Council recognizes the important role that regional and subregional organizations can play in preventing the illicit traffic of small arms and light weapons and the flow of such arms to conflicts, and underscores the importance of regional agreements and cooperation as well as strengthening subregional technical capacities to prevent such flows.

“The Council notes with satisfaction that, as a result of all these efforts, the subregion is gradually emerging from the conflicts that affect it, which offers an opportunity to build peace, to be seized by all parties, with a requirement for the mobilization of significant resources to support demobilization, disarmament and reintegration programmes.

“The Council affirms the need to promote and strengthen the partnership between the United Nations system and Central African States in relation to the maintenance of peace

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<sup>228</sup> See General Assembly resolution 55/34 B.

and security, and, in that connection, it emphasizes that capacities in the subregion, *inter alia*, in the area of conflict prevention and the maintenance of peace and security, as well as economic integration, should be strengthened. It also calls upon the Central African States, with the support of the United Nations system, to improve the effectiveness, coordination and cohesion of the subregional organizations.

“The Council reaffirms the importance of disarmament, demobilization and reintegration programmes in the process of conflict resolution in Central Africa. In that connection, it urges the Central African States to initiate such programmes where they are needed, *inter alia*, through the implementation of quick-impact projects, and calls upon the international community to support them. The Council expresses its appreciation of the renewed commitment of the World Bank and the United Nations Development Programme to assist post-conflict operations in Central Africa in the short, medium and long terms and encourages the organizations to coordinate their efforts closely with the Secretary-General and his Representatives in the field to ensure more efficiency and complementarity.

“The Council recommends the inclusion, where appropriate, of support for disarmament, demobilization and reintegration in the mandates of peacekeeping and peace-building operations. It recognizes the interlinkage between peacekeeping and peace-building activities, and will continue to take into account the need for coordination and smooth transition from one phase to the other during its consideration of peace operations.

“The Council emphasizes the urgency of reaching an appropriate solution to the problem of refugees and internally displaced persons in Central Africa.

“The Council emphasizes the importance of a comprehensive, integrated, resolute and concerted approach to the issues of peace, security and development in Central Africa. In that connection, it invites the Secretary-General to brief the Council, within six months, on ways to implement such an approach for Central Africa, including through the dispatch to the region of an inter-agency evaluation mission.”

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## WOMEN AND PEACE AND SECURITY<sup>229</sup>

### Decisions

At its 4635th meeting, on 28 October 2002, the Security Council decided to invite the representatives of Australia, Austria, Bangladesh, Canada, Chile, Denmark, Egypt, Fiji, Indonesia, Jamaica, Japan, Liechtenstein, Morocco, Namibia, New Zealand, Pakistan, the Philippines, the Republic of Korea, South Africa and Venezuela to participate, without vote, in the discussion of the item entitled:

“Women and peace and security

“Report of the Secretary-General on women, peace and security (S/2002/1154)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ivan Šimonović, President of the Economic and Social Council, and Ms. Carolyn Hannan, Officer-in-Charge of the Office of the Special Adviser on Gender Issues and Advancement of Women of the Department of Economic and Social Affairs of the Secretariat.

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<sup>229</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 2000 and 2001 and during the period from 1 January to 31 July 2002.



Upon resumption of the meeting, on 29 October 2002, the Council further decided to invite the representative of India to participate, without vote, in the discussion of the item.

At its 4641st meeting, on 31 October 2002, the Council considered the item entitled:

“Women and peace and security

“Report of the Secretary-General on women, peace and security (S/2002/1154)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>230</sup>

“The Security Council reaffirms its commitment to the continuing and full implementation of resolution 1325 (2000) of 31 October 2000, and welcomes the increasing focus over the last two years on the situation of women and girls in armed conflict, and recalls the statement by its President of 31 October 2001<sup>231</sup> and the meetings held on 25 July and 28 October 2002 as expressions of that commitment.

“The Council welcomes the report of the Secretary-General on women, peace and security<sup>232</sup> and expresses its intention to study the recommendations contained therein. The Council also welcomes the efforts of the United Nations system, Member States, civil society and other relevant actors to promote equal participation of women in peace and security.

“The Council remains concerned about the slow progress in the appointment of women as special representatives and envoys of the Secretary-General, and urges the Secretary-General to increase the number of women serving as high-level representatives to achieve the overall goal of gender balance. The Council also urges Member States to continue to provide candidates to the Secretary-General for inclusion in a database.

“The Council, reaffirming the importance of gender mainstreaming in peacekeeping operations and post-conflict reconstruction, undertakes to integrate gender perspectives into the mandates of all peacekeeping missions, and reiterates its request to the Secretary-General to ensure that all reports submitted to the Council in accordance with such mandates systematically address gender perspectives. The Council also requests the Secretary-General to provide systematic training of all staff in peacekeeping operations on gender perspectives, and to integrate gender perspectives into all standard operating procedures, manuals and other guidance materials for peacekeeping operations.

“The Council considers that the appointment of gender advisers at sufficiently senior levels at Headquarters is necessary. The Council notes that some progress has been made in gender mainstreaming at mission level, specifically through the establishment of gender units and gender advisers, but that more remains to be done in order to ensure that gender mainstreaming in peacekeeping operations and post-conflict reconstruction is thorough and effective, and applied systematically.

“The Council undertakes to integrate gender perspectives into the terms of reference of its visits and missions to countries and regions in conflict. To that end, the Council requests the Secretary-General to establish a database of gender specialists as well as women’s groups and networks in countries and regions in conflict, and to include gender specialists in the teams where relevant.

“The Council recognizes the vital role of women in promoting peace, particularly in preserving social order and educating for peace. The Council encourages its Member States

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<sup>230</sup> S/PRST/2002/32.

<sup>231</sup> S/PRST/2001/31.

<sup>232</sup> S/2002/1154.

and the Secretary-General to establish regular contacts with local women's groups and networks in order to utilize their knowledge of both the impact of armed conflict on women and girls, including as victims and ex-combatants, and of peacekeeping operations, to ensure that those groups are actively involved in reconstruction processes, particularly at decision-making levels.

“The Council, recalling its resolutions 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000, 1325 (2000) and 1379 (2001) of 20 November 2001, encourages Member States, the entities of the United Nations system, civil society and other relevant actors to develop clear strategies and action plans with goals and timetables, on the integration of gender perspectives in humanitarian operations, rehabilitation and reconstruction programmes, including monitoring mechanisms, and also to develop targeted activities, focused on the specific constraints facing women and girls in post-conflict situations, such as their lack of land and property rights and access to and control over economic resources.

“The Council deplores the continuing occurrence of sexual exploitation, including trafficking, of women and girls in the context of peacekeeping operations and humanitarian activities, and calls for the further development and full implementation of codes of conduct and of disciplinary procedures to prevent such exploitation. The Council encourages all actors, in particular troop-contributing countries, to enhance monitoring mechanisms and to investigate and prosecute effectively cases of alleged misconduct.

“The Council condemns all violations of the human rights of women and girls in situations of armed conflict and the use of sexual violence, including as a strategic and tactical weapon of war, which, inter alia, places women and girls at increased risk of contracting sexually-transmitted infections and HIV/AIDS.

“The Council decides to remain actively seized of this matter and requests the Secretary-General to prepare a follow-up report on the full implementation of resolution 1325 (2000) to be presented to the Council in October 2004.”

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**BRIEFING BY JUDGE GILBERT GUILLAUME, PRESIDENT OF  
THE INTERNATIONAL COURT OF JUSTICE<sup>233</sup>**

**Decision**

At its 4636th meeting, held in private on 29 October 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4636th meeting, held in private on 29 October 2002, the Security Council considered the item entitled ‘Briefing by Judge Gilbert Guillaume, President of the International Court of Justice’.

“In accordance with the understanding reached in the Council’s prior consultations, and in the absence of objection, the President of the Security Council extended an invitation under rule 39 of the provisional rules of procedure of the Council to Judge Gilbert Guillaume, President of the International Court of Justice.

“The members of the Council heard an informative briefing by Judge Guillaume.”

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<sup>233</sup> Resolutions or decisions on this question were also adopted by the Security Council in 2000 and 2001.

**LETTER DATED 31 MARCH 1998 FROM THE CHARGÉ D’AFFAIRES A.I. OF  
THE PERMANENT MISSION OF PAPUA NEW GUINEA TO THE UNITED NATIONS  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL<sup>234</sup>**

**Decisions**

At its 4647th meeting, on 21 November 2002, the Security Council decided to invite the representatives of Australia, Fiji, New Zealand and Papua New Guinea to participate, without vote, in the discussion of the item entitled “Letter dated 31 March 1998 from the Chargé d’affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (S/1998/287)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

On 19 December 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>235</sup>

“I have the honour to refer to your letter dated 18 November 2002 addressed to me concerning your intention to extend the mandate of the United Nations Political Office in Bougainville for twelve months, and your expectation that the Office can fulfil its mission within that period.<sup>236</sup>

“The Security Council takes note of your letter dated 18 November 2002 and the importance of elections to the continuing peace process, and endorses a final extension of the mandate of the Office for twelve months to 31 December 2003.

“The Council fully supports the important role that the Office continues to play in implementing the Agreement on Peace, Security and Development on Bougainville.<sup>237</sup> The Council is concerned, however, that delays in the implementation of the Agreement have led to the need for an extension of the mission of the Office by a full year beyond the end-date envisioned a year ago. Specifically, the Council is seriously concerned that ongoing delays in the completion of stage two of the weapons disposal process, which must be certified by the Office, are preventing progress towards the formation of an autonomous Bougainville Government and the coming into operation of the guarantee of a referendum among Bougainvilleans on the political future of Bougainville.

“The Council strongly urges all parties to the Agreement to abide fully by their obligations under the Agreement within the time frame of the mandate of the Office, in particular to turn in all outstanding weapons and respect the integrity of the arms disposal process.

“In order to better track and assess the progress of the mission of the Office, the Council requests that the Secretariat produce a written report, within existing resources, on progress made by the Office prior to the Council’s next quarterly briefing on Bougainville. The Council requests that the report include a clear exit strategy for the completion of the mission of the Office and withdrawal, with a timetable and benchmarks that incorporate the

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<sup>234</sup> Resolutions or decisions on this question were also adopted by the Security Council in 1998, 1999, 2000 and 2001.

<sup>235</sup> S/2002/1380.

<sup>236</sup> S/2002/1379.

<sup>237</sup> See S/1998/287.

holding of elections, as well as details on what specific steps the Office intends to take to meet each objective in its exit strategy on time.

“The Council requests that the Secretariat, through the Office, convey the present letter to the parties to the Agreement.

“The Council calls upon the donor community to continue supporting the implementation of the Agreement, in particular the weapons disposal process.”

At its 4728th meeting, on 28 March 2003, the Council decided to invite the representatives of Australia, Fiji, Japan, New Zealand and Papua New Guinea to participate, without vote, in the discussion of the item entitled “Letter dated 31 March 1998 from the Chargé d’affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (S/1998/287)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Danilo Türk, Assistant Secretary-General for Political Affairs.

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## THE SITUATION IN CYPRUS<sup>238</sup>

### Decision

At its 4649th meeting, on 25 November 2002, the Security Council considered the item entitled:

“The situation in Cyprus

“Report of the Secretary-General on the United Nations operation in Cyprus (S/2002/1243)”.

### Resolution 1442 (2002) of 25 November 2002

*The Security Council,*

*Welcoming* the report of the Secretary-General of 15 November 2002 on the United Nations operation in Cyprus,<sup>239</sup> and in particular the call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness,

*Noting* that the Government of Cyprus has agreed that, in view of the prevailing conditions in the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 December 2002,

*Welcoming and encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Reaffirms* all its relevant resolutions on Cyprus, and in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

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<sup>238</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1963 to 2001 and during the period from 1 January to 31 July 2002.

<sup>239</sup> S/2002/1243.

2. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period, ending on 15 June 2003;
3. *Requests* the Secretary-General to submit a report by 1 June 2003 on the implementation of the present resolution;
4. *Urges* the Turkish Cypriot side and Turkish forces to rescind the restrictions imposed on 30 June 2000 on the operations of the United Nations Peacekeeping Force in Cyprus and to restore the military status quo ante at Strovolia;
5. *Decides* to remain actively seized of the matter.

*Adopted unanimously at the 4649th meeting.*

### Decisions

On 20 December 2002, the President of the Security Council addressed the following letter to the Secretary-General:<sup>240</sup>

“I have the honour to inform you that your letter dated 18 December 2002 concerning your mission of good offices in Cyprus<sup>241</sup> has been brought to the attention of the members of the Security Council. They take note of your letter.”

On 3 March 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>242</sup>

“I have the honour to inform you that your letter dated 26 February 2003 concerning your intention to accept the proposal of Argentina and Chile to include a platoon-sized unit of troops plus two staff officers from Chile in the Argentine contingent of the United Nations Peacekeeping Force in Cyprus<sup>243</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.”

At its 4738th meeting, on 10 April 2003, the Council considered the item entitled:

“The situation in Cyprus

“Report of the Secretary-General on his mission of good offices in Cyprus (S/2003/398)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Alvaro de Soto, Under-Secretary-General and Special Adviser to the Secretary-General on Cyprus.

At its 4740th meeting, on 14 April 2003, the Council considered the item entitled:

“The situation in Cyprus

“Report of the Secretary-General on his mission of good offices in Cyprus (S/2003/398)”.

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<sup>240</sup> S/2002/1403.

<sup>241</sup> S/2002/1402.

<sup>242</sup> S/2003/241.

<sup>243</sup> S/2003/240.

**Resolution 1475 (2003)  
of 14 April 2003**

*The Security Council,*

*Reaffirming* all its resolutions on Cyprus, in particular resolution 1250 (1999) of 29 June 1999, aimed at achieving agreement on a comprehensive Cyprus settlement,

*Reiterating its strong interest* in achieving an overall political settlement on Cyprus which takes full consideration of relevant Security Council resolutions and treaties,

*Welcoming* the report of the Secretary-General of 1 April 2003 on his mission of good offices in Cyprus,<sup>244</sup>

1. *Commends* the extraordinary effort made by the Secretary-General and his Special Adviser and his team since 1999 in pursuance of his mission of good offices and within the framework of Security Council resolution 1250 (1999);

2. *Also commends* the Secretary-General for taking the initiative to present to the parties a comprehensive settlement plan aimed at bridging the gaps between them, drawing upon the talks that began in December 1999 under United Nations auspices and, following negotiations, to revise that plan on 10 December 2002 and 26 February 2003;

3. *Regrets* that, as described in the report of the Secretary-General,<sup>244</sup> due to the negative approach of the Turkish Cypriot leader, culminating in the position taken at the meeting held in The Hague on 10 and 11 March 2003, it was not possible to reach agreement to put the plan to simultaneous referenda as suggested by the Secretary-General, and thus, that the Turkish Cypriots and the Greek Cypriots have been denied the opportunity to decide for themselves on a plan that would have permitted the reunification of Cyprus and as a consequence it will not be possible to achieve a comprehensive settlement before 16 April 2003;

4. *Gives its full support* to the Secretary-General's carefully balanced plan of 26 February 2003 as a unique basis for further negotiations, and calls upon all concerned to negotiate within the framework of the Secretary-General's good offices, using the plan to reach a comprehensive settlement as set forth in paragraphs 144 to 151 of the report of the Secretary-General;

5. *Stresses its full support* for the mission of good offices of the Secretary-General as entrusted to him in resolution 1250 (1999), and requests the Secretary-General to continue to make available his good offices for Cyprus as outlined in his report;

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

*Adopted unanimously at the 4740th meeting.*

**Decision**

At its 4771st meeting, on 11 June 2003, the Security Council considered the item entitled:

“The situation in Cyprus

“Report of the Secretary-General on the United Nations operation in Cyprus (S/2003/572)”.

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<sup>244</sup> S/2003/398.

**Resolution 1486 (2003)  
of 11 June 2003**

*The Security Council,*

*Welcoming* the report of the Secretary-General of 27 May 2003 on the United Nations operation in Cyprus,<sup>245</sup> and in particular the call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness,

*Noting* that the Government of Cyprus has agreed that, in view of the prevailing conditions in the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 June 2003,

*Welcoming and encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Reaffirms* all its relevant resolutions on Cyprus, and in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

2. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period, ending on 15 December 2003;

3. *Endorses* the increase of the civilian police component of the Force by no more than thirty-four officers in order to meet the increased workload resulting from the welcome partial easing of restrictions on island-wide freedom of movement, which has been met by goodwill from Greek and Turkish Cypriots;

4. *Notes* the limited steps taken by the Turkish Cypriot side to ease some of the restrictions imposed on 30 June 2000 on the operations of the Force, but urges the Turkish Cypriot side and the Turkish forces to rescind all remaining restrictions on the Force;

5. *Expresses concern* at the recent further violations by the Turkish Cypriot side and Turkish forces at Strovilia, and urges them to restore the military status quo which existed there prior to 30 June 2000;

6. *Requests* the Secretary-General to submit a report by 1 December 2003 on the implementation of the present resolution;

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

*Adopted unanimously at the 4771st meeting.*

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**AFRICA'S FOOD CRISIS AS A THREAT TO PEACE AND SECURITY**

**Decisions**

At its 4652nd meeting, on 3 December 2002, the Security Council considered the item entitled:

“Africa’s food crisis as a threat to peace and security

“Briefing by Mr. James Morris, Executive Director of the World Food Programme”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. James Morris, Executive Director of the World Food Programme.

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<sup>245</sup> S/2003/572.

At its 4736th meeting, on 7 April 2003, the Council considered the item entitled:

“Africa’s food crisis as a threat to peace and security

“Briefing by Mr. James Morris, Executive Director of the World Food Programme”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. James Morris, Executive Director of the World Food Programme.

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## PROTECTION OF CIVILIANS IN ARMED CONFLICT<sup>246</sup>

### Decisions

At its 4660th meeting, on 10 December 2002, the Security Council decided to invite the representatives of Argentina, Austria, Bangladesh, Burkina Faso, Cambodia, Canada, Chile, Denmark, Egypt, Indonesia, Israel, Japan, the Republic of Korea, Switzerland, Timor-Leste and Ukraine to participate, without vote, in the discussion of the item entitled:

“Protection of civilians in armed conflict

“Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2002/1300)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross.

Upon resumption of the meeting, on 10 December 2002, the Council further decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 10 December 2002 to the President of the Council,<sup>247</sup> in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At its 4679th meeting, on 20 December 2002, the Council considered the item entitled:

“Protection of civilians in armed conflict

“Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2002/1300)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>248</sup>

“The Security Council recalls its resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict, as well as the statements by its President of 12 February 1999<sup>249</sup> and of 15 March 2002,<sup>250</sup> welcomes the third report of the Secretary-General on the protection of civilians in armed conflict,<sup>251</sup> and

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<sup>246</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>247</sup> Document S/2002/1346, incorporated in the record of the 4660th meeting (Resumption 1).

<sup>248</sup> S/PRST/2002/41.

<sup>249</sup> S/PRST/1999/6.

<sup>250</sup> S/PRST/2002/6.

<sup>251</sup> S/2002/1300.



reaffirms the need to keep the protection of civilians in armed conflict as an important item on the agenda of the Council.

“The Council strongly condemns all attacks and acts of violence directed against civilians or other protected persons under international law, including international humanitarian law, in situations of armed conflict; and reaffirms its concern at the hardships borne by civilians in conflict situations, and the need for parties to ensure the safety, security and freedom of movement of United Nations and associated personnel as well as personnel of international humanitarian organizations. The Council recognizes that secure humanitarian access, a clear separation of civilians and combatants, and the swift re-establishment of the rule of law, justice and reconciliation are essential for an effective transition from conflict to peace.

“The Council calls upon all parties to armed conflict to comply fully with the provisions of the Charter of the United Nations and with the rules and principles of international law, in particular international humanitarian, human rights and refugee law, and to implement fully the relevant decisions of the Council. The Council recalls the obligations of States to respect and to ensure respect for international humanitarian law, including the four Geneva Conventions of 12 August 1949,<sup>252</sup> and emphasizes their responsibility to end impunity and to prosecute those responsible for genocide, crimes against humanity and serious violations of humanitarian law.

“The Council underscores the importance of the aide-memoire adopted by the Council on 15 March 2002,<sup>253</sup> as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues during deliberations on peacekeeping mandates, and stresses the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation. The Council agrees to continue to review current mandates and resolutions, as appropriate, taking into consideration the aide-memoire, and expresses its willingness to update it annually to reflect emerging trends in the protection of civilians in armed conflict.

“The Council notes that a number of obstacles undermine efforts to secure access of humanitarian and United Nations agencies to persons in need, including attacks on humanitarian personnel, denial of access by authorities and a lack of structured engagement with non-State actors. In that respect, the Council recognizes the importance of the comprehensive framework agreements based on agreed standards and mechanisms to improve access, and encourages the ongoing work by United Nations agencies to prepare a manual of field practices in negotiations with armed groups to better assist coordination and to facilitate more effective negotiations.

“The Council is mindful of the particular vulnerability of refugees and internally displaced persons and reaffirms the primary responsibility of States to ensure their protection, in particular by maintaining the security and civilian character of camps of refugees and internally displaced persons. The Council underscores the rights of all refugees under international law, including international humanitarian law and refugee law. The Council notes that United Nations multidisciplinary assessment teams, with the consent of the host States, could assist and support States in the separation of combatants and civilians. The Council, moreover, recognizes the needs of civilians under foreign occupation and stresses further, in this regard, the responsibilities of the occupying Power.

“The Council acknowledges the emerging issues raised in the report of the Secretary-General that could seriously affect the capacity of Member States to protect civilians. Regarding gender-based violence, including sexual exploitation, abuse and trafficking of

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<sup>252</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

<sup>253</sup> S/PRST/2002/6, annex.

women and girls, the Council encourages States, in particular troop-contributing countries, to use the six core principles developed by the United Nations and other humanitarian partners to prevent and remedy situations of sexual abuse and exploitation, when their nationals are involved in such cases. The Council, further, condemns terrorism in all its forms and manifestations, however and by whomever committed.

“The Council recognizes the importance of a comprehensive, coherent and action-oriented approach to the protection of civilians in armed conflict. It encourages further cooperation between Member States, the Office for the Coordination of Humanitarian Affairs, the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and other relevant United Nations agencies and offices, bearing in mind also the contents of resolution 1325 (2000) of 31 October 2000 on women and peace and security and resolution 1379 (2001) of 20 November 2001 on children and armed conflict; welcomes the regional workshops and encourages Member States to give them their operational and financial support. The Council requests the Secretary-General to submit by June 2004 his next report on the protection of civilians in armed conflict, including information on the implementation of Council resolutions previously adopted on this subject and any other matter he wishes to bring to the attention of the Council. It also welcomes the oral briefings to be given to the Council every six months, including progress made to develop further the road map concept, as set out in the annex to the most recent report of the Secretary-General.”<sup>251</sup>

At its 4777th meeting, on 20 June 2003, the Council considered the item entitled “Protection of civilians in armed conflict”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

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## THE SITUATION IN SOMALIA<sup>254</sup>

### Decisions

At its 4663rd meeting, on 12 December 2002, the Security Council decided to invite the representative of Somalia to participate, without vote, in the discussion of the item entitled:

“The situation in Somalia

“Report of the Secretary-General on the situation in Somalia (S/2002/1201)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>255</sup>

“The Security Council, recalling its decisions concerning the situation in Somalia, in particular the statement by its President of 28 March 2002<sup>256</sup> and its resolutions 733 (1992) of 23 January 1992 and 1425 (2002) of 22 July 2002, and taking note of the report of the

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<sup>254</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1992 to 1997 and 1999 to 2001 and during the period from 1 January to 31 July 2002.

<sup>255</sup> S/PRST/2002/35.

<sup>256</sup> S/PRST/2002/8.

Secretary-General of 25 October 2002,<sup>257</sup> reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and principles of the Charter of the United Nations.

“The Council firmly supports the unified approach of the Intergovernmental Authority on Development to national reconciliation in Somalia, and reiterates its strong support for the Somalia National Reconciliation Process and the ongoing Somalia National Reconciliation Conference in Eldoret, Kenya, as sponsored by the Intergovernmental Authority. The Council urges all parties throughout Somalia to participate in the process in accordance with the framework established by the Intergovernmental Authority, and expects the decisions adopted throughout the process to be abided by and implemented expeditiously, including the Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process, signed by all delegates in Eldoret on 27 October 2002 (hereinafter referred to as ‘the Eldoret Declaration’).<sup>258</sup>

“The Council welcomes the Eldoret Declaration as an important step towards the overriding objective of ending the violence and the suffering of the Somali people and bringing them the peace they so dearly deserve. The Council calls upon all parties to cease all acts of violence and to respect the cessation of hostilities.

“The Council also welcomes the Joint Declaration issued by the involved parties in Mogadishu on 2 December 2002 (hereinafter referred to as ‘the Mogadishu Declaration’), including their stated commitment to cease all hostilities and jointly bring to an end all killings and abductions of innocent people and hijacking of public transportation in the city, as well as to solve all differences through dialogue and goodwill. The Council notes the further agreement reached on 4 December 2002 by involved parties to cooperate through peaceful means in order, inter alia, to reopen the international airport and seaport in Mogadishu and to restore public services in the city.

“The Council notes with satisfaction the commencement of the second phase of the Somalia National Reconciliation Process in Eldoret on 2 December 2002 and welcomes this as a significant step forward. The Council will continue to follow this process with keen interest and strongly encourages all parties to continue to participate constructively, in accordance with the framework established by the Technical Committee of the Intergovernmental Authority, in a spirit of tolerance and mutual accommodation during each phase of the Process.

“The Council commends the Government of Kenya for its special commitment as host and the Technical Committee of the Intergovernmental Authority comprising the three frontline States, Djibouti, Ethiopia and Kenya, for its crucial role in facilitating the process. The Council strongly encourages their continued active and positive role in promoting the process.

“The Council encourages Member States in a position to do so urgently to provide further contributions in support of the process through the Technical Committee of the Intergovernmental Authority.

“The Council, condemning recent attacks on humanitarian personnel and civilians in Somalia, welcomes the agreement by all delegates in Eldoret to guarantee the security of all humanitarian and development personnel and installations, and urges them to take practical steps to grant safe and unfettered access to humanitarian personnel in their efforts to deliver assistance throughout Somalia.

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<sup>257</sup> S/2002/1201.

<sup>258</sup> S/2002/1359, annex.

“The Council expresses serious concern regarding the situation of displaced persons in Somalia and urges relevant authorities and Member States to provide support for the return and reintegration of Somali refugees and the provision of urgent humanitarian assistance to, and protection for, those who have been internally displaced. It notes with particular concern the situation of 150,000 internally displaced persons in areas of Mogadishu that remain inaccessible to humanitarian workers. The Council calls upon the armed factions to provide immediate safe access to these and other vulnerable populations throughout the country, consistent with the Eldoret Declaration and the Mogadishu Declaration.

“The Council calls again upon all Member States, entities and individuals to respect fully the arms embargo established by resolution 733 (1992), as strengthened by resolution 1425 (2002), and urges all Somali and regional parties as well as government officials and other actors contacted outside the region to cooperate fully with the Panel of Experts in its quest for information related to the embargo, in accordance with resolution 1425 (2002) and article 2, paragraph 5, of the Eldoret Declaration. The Council appreciates the oral briefing by the Panel on 14 November 2002 to the Council, through the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and looks forward to the written report of the Panel at the end of its mandated period.

“The Council requests the Secretary-General to continue putting in place, in a coherent manner, preparatory activities on the ground for a comprehensive post-conflict peace-building mission in Somalia once security conditions permit, as stipulated in the statement by the President of the Security Council of 28 March 2002.

“The Council recognizes that a comprehensive post-conflict programme for disarmament, demobilization, rehabilitation and reintegration will be an important contribution for peace and stability in Somalia.

“The Council encourages the Secretary-General to support actively the Intergovernmental Authority-sponsored Somalia National Reconciliation Process and the ongoing Conference in Eldoret.

“The Council expresses its commitment to assist the parties in the implementation of the steps and conclusions for peace, as adopted throughout the Somalia National Reconciliation Process.”

At its 4718th meeting, on 12 March 2003, the Security Council considered the item entitled:

“The situation in Somalia

“Report of the Secretary-General on the situation in Somalia (S/2003/231)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>259</sup>

“The Security Council, recalling its decisions concerning the situation in Somalia, in particular the statements by its President of 28 March<sup>256</sup> and 12 December 2002,<sup>255</sup> and welcoming the report of the Secretary-General of 26 February 2003,<sup>260</sup> reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia, and its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and principles of the Charter of the United Nations.

“The Council reiterates its firm support for the Somalia National Reconciliation Process and the ongoing Somalia National Reconciliation Conference in Kenya, launched under the auspices of the Intergovernmental Authority on Development and led by the

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<sup>259</sup> S/PRST/2003/2.

<sup>260</sup> S/2003/231.

Government of Kenya. The Council strongly encourages all parties throughout Somalia to participate in the process, which offers a unique opportunity for all Somalis to end the suffering of their people and to restore peace and stability to their country. The Council demands that the Somali parties abide by and implement expeditiously the decisions adopted throughout the process, including the Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process of 27 October 2002 (hereinafter referred to as 'the Eldoret Declaration'),<sup>258</sup> as well as the December 2002 agreement reached by five Mogadishu faction leaders and the Transitional National Government regarding the restoration of peace and security in Mogadishu and a subsequent agreement among the five faction leaders which included a commitment to make efforts to reopen the international airport and seaport in Mogadishu, as mentioned in paragraph 26 of the report of the Secretary-General.

"The Council commends the Government of Kenya for its crucial role in facilitating the Somalia National Reconciliation Process, and calls upon the Technical Committee of the Intergovernmental Authority comprising the three frontline States (Djibouti, Ethiopia and Kenya) to continue their active role in promoting the Process. The Council welcomes the appointment of Ambassador Bethuel Kiplagat as the Special Envoy of Kenya to the Process. The Council also welcomes the appointment of Mr. Muhammad Ali Fom as the Special Envoy of the African Union for Somalia, the generous financial contribution of the European Union, Norway and the United States of America, and the sustained engagement of their envoys, as well as those of the Partners Forum of the Intergovernmental Authority and the League of Arab States. The Council strongly encourages their continued active and positive role in support of the reconciliation process.

"The Council notes that the six reconciliation committees of the Somalia National Reconciliation Process have continued their work despite difficulties faced by the Somali participants regarding representation. The Council urges all parties involved to participate fully in the six reconciliation committees and to resolve the representation issue, and welcomes the establishment of an arbitration committee in this regard. The Council supports the commitment of the Secretary-General to assist in the work of the six reconciliation committees with technical support and relevant expertise.

"The Council expresses its strong regret that, even after the signing of the Eldoret Declaration, fighting continued to break out in Somalia, in particular in Mogadishu and Baidoa. The Council condemns all those involved in the fighting and calls for an immediate end to all acts of violence in Somalia. The Council shares the conclusion of the Secretary-General that it is those that have weapons of war who continue to hold the people of Somalia hostage to the cycle of violence. The Council also shares the view of the Secretary-General that these people will be held accountable by the Somali people and the international community for their actions if they persist on the path of confrontation and conflict. In this regard, the Council welcomes the establishment of a mechanism by the frontline States of the Intergovernmental Authority to monitor compliance with the Eldoret Declaration and their intention to consider appropriate measures against all individuals and groups violating the Eldoret Declaration and the December 2002 agreements.

"The Council notes with serious concern the continued flow of weapons and ammunition supplies to Somalia, as well as allegations of the role of some of the neighbouring States in breach of the arms embargo established pursuant to resolution 733 (1992) of 23 January 1992, and calls upon all States and other actors to comply scrupulously with the arms embargo. The Council welcomes the work of the Panel of Experts established pursuant to resolution 1425 (2002) of 22 July 2002, and expresses its intention to give full consideration to and take appropriate action regarding the report of the Panel as a step towards reinforcing the arms embargo and disarmament.

"The Council, insisting that persons and entities must not be allowed to take advantage of the situation in Somalia to finance, plan, facilitate, support or commit terrorist acts from

the country, emphasizes that efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country. In this spirit, the Council urges the international community to provide assistance to Somalia for the further and comprehensive implementation of resolution 1373 (2001) of 28 September 2001.

“The Council expresses serious concern regarding the humanitarian situation in Somalia, in particular that of internally displaced persons, especially in the area of Mogadishu. The Council urges the Somali leaders to live up to their commitments under the Eldoret Declaration, to facilitate the delivery of much-needed humanitarian assistance, to ensure the safety of all international and national aid workers, to provide immediate safe access for all humanitarian personnel, and to support the return and reintegration of refugees. The Council calls upon Member States to respond urgently and generously to the United Nations Consolidated Inter-Agency Appeal for 2003.

“The Council notes that, while some parts of Somalia remain unstable, relative stability continues to prevail in significant portions of the country. The Council welcomes the evolution of the community-based peace-building activities and calls for the acceleration of comprehensive peace-building activities. The Council requests the Secretary-General to continue putting in place, in a coherent manner, preparatory activities on the ground for a comprehensive post-conflict peace-building mission in Somalia once security conditions permit, as stipulated in the statement by the President of the Security Council of 28 March 2002, which should take into account combating poverty and strengthening public institutions.

“The Council stresses that a comprehensive post-conflict peace-building programme with special emphasis on disarmament, demobilization, rehabilitation and reintegration will be an important contribution towards the restoration of peace and stability in Somalia. The Council welcomes the contribution of Ireland, Italy and Norway to the Trust Fund for Peace-building in Somalia and calls upon other donors to do the same without delay.

“The Council commends the work done by the United Nations Country Team, the Red Cross and Red Crescent Movements and non-governmental organizations in support of peace and reconciliation in Somalia. The Council encourages the Secretary-General to continue to support actively the Intergovernmental Authority-sponsored Somalia National Reconciliation Process and to continue to implement and enhance ongoing humanitarian and peace-building activities on the ground.

“The Council reiterates its commitment to assist the Somali parties and support the mediation by the Intergovernmental Authority in the implementation of the steps and conclusions for peace, as adopted throughout the Somalia National Reconciliation Process.”

At its 4737th meeting, on 8 April 2003, the Council decided to invite the representative of Somalia to participate, without vote, in the discussion of the item entitled “The situation in Somalia”.

**Resolution 1474 (2003)  
of 8 April 2003**

*The Security Council,*

*Reaffirming* its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, by which it established an embargo on all deliveries of weapons and military equipment to Somalia (hereinafter referred to as “the arms embargo”), resolution 1407 (2002) of 3 May 2002, resolution 1425 (2002) of 22 July 2002, and the statements by its President of 28 March<sup>256</sup> and 12 December 2002,<sup>255</sup> and of 12 March 2003,<sup>259</sup>

*Noting with regret* that the arms embargo has been continuously violated since 1992, including since the signing of the Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process (“the Eldoret Declaration”) on

27 October 2002,<sup>258</sup> and expressing concern over the illegal activities linked to the financing of arms purchases and military activities by the violators of the arms embargo in Somalia,

*Reiterating its firm support* for the Somalia National Reconciliation Process and the ongoing Somalia National Reconciliation Conference, reaffirming the importance of the sovereignty, territorial integrity, political independence and unity of Somalia, consistent with the purposes and principles of the Charter of the United Nations, and commending the efforts of Kenya as the host of the Somalia National Reconciliation Conference sponsored by the Intergovernmental Authority on Development,

*Reiterating its insistence* that all States, in particular those of the region, should not interfere in the internal affairs of Somalia. Such interference only further destabilizes Somalia, contributes to a climate of fear and impacts adversely on human rights, and could jeopardize the sovereignty, territorial integrity, political independence and unity of Somalia. Stressing that the territory of Somalia should not be used to undermine stability in the subregion,

*Reiterating its serious concern* over the continued flow of weapons and ammunition supplies to and through Somalia from sources outside the country, in contravention of the arms embargo, which is severely undermining peace and security and the political efforts for national reconciliation in Somalia, and which undermines the commitments made at the Great Lakes and the Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons, held in Nairobi from 12 to 15 March 2000,<sup>261</sup>

*Recognizing* the importance of improving the implementation and enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into violations of the arms embargo,

*Determining* that the situation in Somalia constitutes a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter,

1. *Stresses* the obligation of all States and other actors to comply fully with resolution 733 (1992), and reaffirms that non-compliance constitutes a violation of the provisions of the Charter;

2. *Welcomes* the report of the Panel of Experts dated 25 March 2003<sup>262</sup> submitted pursuant to paragraph 11 of resolution 1425 (2002), notes with interest the observations and recommendations contained therein, and expresses its intention to give full consideration to the report;

3. *Decides* to re-establish a Panel of Experts for a period of six months commencing no later than three weeks from the date of the adoption of the present resolution, to be based in Nairobi, with the following mandate:

(a) To investigate the violations of the arms embargo covering access to Somalia by land, air and sea, in particular by pursuing any sources that might reveal information related to violations;

(b) To detail information and make specific recommendations in relevant areas of expertise related to violations and measures to give effect to and strengthen the arms embargo in its various aspects;

(c) To carry out field-based research, where possible, in Somalia, States neighbouring Somalia and other States, as appropriate;

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<sup>261</sup> See S/2000/385, annex.

<sup>262</sup> S/2003/223.

(d) To assess the capacity of States in the region to implement fully the arms embargo, including through a review of national customs and border-control regimes;

(e) To focus on the ongoing arms embargo violations, including transfers of ammunition, single-use weapons, and small arms;

(f) To seek to identify those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, and to provide the Security Council Committee established pursuant to resolution 751 (1992) of 24 April 1992 (hereinafter referred to as "the Committee") with a draft list for possible future actions;

(g) To explore the possibility of establishing a monitoring mechanism for the implementation of the arms embargo with partners inside and outside Somalia in close cooperation with regional and international organizations, including with the African Union;

(h) To refine the recommendations provided in the report of the Panel of Experts;

4. *Requests* the Secretary-General, upon the adoption of the present resolution and acting in consultation with the Committee, to appoint up to four experts, including the Chairman, drawing as much as possible and as appropriate on the expertise of the members of the Panel of Experts appointed pursuant to resolution 1425 (2002), and also requests the Secretary-General to make the necessary financial arrangements to support the work of the Panel;

5. *Also requests* the Secretary-General to ensure that the Panel of Experts comprises, and has access to, sufficient expertise in the areas of armament and the financing thereof, civil aviation, maritime transport and regional affairs, including specialized knowledge of Somalia, in accordance with the resource requirements and administrative and financial arrangements outlined in the report of the Team of Experts pursuant to resolution 1407 (2002);<sup>263</sup>

6. *Requests* all Somali and regional parties as well as government officials and other actors contacted outside the region to cooperate fully with the Panel of Experts in the discharge of its mandate, and requests the Panel of Experts to notify the Council immediately, through the Committee, of any lack of cooperation;

7. *Requests* the Panel of Experts to provide a mid-term briefing to the Council, through the Committee, and to submit a final report at the end of its mandated period to the Council, through the Committee, for its consideration;

8. *Decides* to send a mission of the Committee, led by the Chairman of the Committee, to the region at the earliest possible stage after the Panel of Experts has resumed its work to demonstrate the determination of the Council to give full effect to the arms embargo;

9. *Calls again upon* all States, in particular those in the region, to provide the Committee with all available information on violations of the arms embargo;

10. *Invites* the neighbouring States to report to the Committee quarterly on their efforts to implement the arms embargo;

11. *Calls upon* regional organizations, in particular the African Union and the League of Arab States, as well as States that have the resources, to assist Somali parties and the States in the region in their efforts to implement fully the arms embargo;

12. *Expresses its determination* to review the situation regarding the implementation of the arms embargo in Somalia on the basis of information provided by the Panel of Experts in its reports;

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<sup>263</sup> S/2002/722, annex.



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

*Adopted unanimously at the 4737th meeting.*

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## THE SITUATION IN THE MIDDLE EAST<sup>264</sup>

### Decision

At its 4670th meeting, on 17 December 2002, the Security Council considered the item entitled:

“The situation in the Middle East

“Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2002/1328)”.

### Resolution 1451 (2002) of 17 December 2002

*The Security Council,*

*Having considered* the report of the Secretary-General of 4 December 2002 on the United Nations Disengagement Observer Force,<sup>265</sup> and reaffirming its resolution 1308 (2000) of 17 July 2000,

1. *Calls upon* the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;
2. *Decides* to renew the mandate of the United Nations Disengagement Observer Force for a period of six months, that is, until 30 June 2003;
3. *Requests* the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

*Adopted unanimously at the 4670th meeting.*

### Decisions

At the 4670th meeting also, following the adoption of resolution 1451 (2002), the President of the Security Council made the following statement on behalf of the Council.<sup>266</sup>

“In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council:

‘As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force<sup>265</sup> states in paragraph 11: “... the situation in the Middle East is very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached”. That statement of the Secretary-General reflects the view of the Security Council.’”

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<sup>264</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1967 to 2001 and during the period from 1 January to 31 July 2002.

<sup>265</sup> S/2002/1328.

<sup>266</sup> S/PRST/2002/37.

At its 4696th meeting, on 30 January 2003, the Council considered the item entitled:

“The situation in the Middle East

“Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/2003/38)”.

**Resolution 1461 (2003)  
of 30 January 2003**

*The Security Council,*

*Recalling* all its resolutions on Lebanon, in particular resolutions 425 (1978) and 426 (1978) of 19 March 1978 and 1428 (2002) of 30 July 2002 as well as the statements by its President on the situation in Lebanon, in particular the statement of 18 June 2000,<sup>267</sup>

*Recalling also* the letter dated 18 May 2001 from the President of the Security Council addressed to the Secretary-General,<sup>268</sup>

*Recalling further* the conclusion of the Secretary-General that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the report of the Secretary-General of 22 May 2000,<sup>269</sup> as well as the conclusion of the Secretary-General that the United Nations Interim Force in Lebanon had essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

*Emphasizing* the interim nature of the Force,

*Recalling* its resolution 1308 (2000) of 17 July 2000,

*Recalling also* its resolution 1325 (2000) of 31 October 2000,

*Recalling further* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,<sup>270</sup>

*Responding* to the request of the Government of Lebanon, as stated in the letter dated 9 January 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General,<sup>271</sup>

1. *Endorses* the report of the Secretary-General of 14 January 2003 on the United Nations Interim Force in Lebanon,<sup>272</sup> and in particular its recommendation to renew the mandate of the Force for a further period of six months;
2. *Decides* to extend the present mandate until 31 July 2003;
3. *Takes note* of the completion of the reconfiguration of the Force as outlined in paragraph 26 of the report of the Secretary-General and in accordance with the letter dated 18 May 2001 from the President of the Security Council addressed to the Secretary-General;<sup>268</sup>
4. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;
5. *Commends* the Government of Lebanon for taking steps to ensure the restoration of its effective authority throughout the south, including the deployment of Lebanese armed forces, and

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<sup>267</sup> S/PRST/2000/21.

<sup>268</sup> S/2001/500.

<sup>269</sup> S/2000/460.

<sup>270</sup> General Assembly resolution 49/59, annex.

<sup>271</sup> S/2003/36.

<sup>272</sup> S/2003/38.

calls upon it to continue to extend these measures and to do its utmost to ensure a calm environment throughout the south;

6. *Calls upon* the parties to ensure that the Force is accorded full freedom of movement in the discharge of its mandate throughout its area of operation as outlined in the report of the Secretary-General;

7. *Reiterates its call* upon the parties to continue to fulfil the commitments they have given to respect fully the withdrawal line identified by the United Nations, as set out in the report of the Secretary-General of 16 June 2000,<sup>273</sup> to exercise the utmost restraint and to cooperate fully with the United Nations and the Force;

8. *Condemns* all acts of violence, expresses great concern about the serious breaches and the air, sea and land violations of the withdrawal line, and urges the parties to put an end to these violations and to abide scrupulously by their obligation to respect the safety of the personnel of the Force and other United Nations personnel;

9. *Supports* the continued efforts of the Force to maintain the ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties to correct violations, resolve incidents and prevent the escalation thereof;

10. *Welcomes* the continued contribution of the Force to operational demining, encourages further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and emergency demining activities in the south, commends donor countries for supporting these efforts through financial and in-kind contributions and encourages further international contributions, takes note of the communication to the Government of Lebanon and the Force of maps and information on the location of mines, and stresses the necessity to provide the Government of Lebanon and the Force with any additional maps and records on the location of mines;

11. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report thereon to the Council before the end of the present mandate as well as on the activities of the Force and the tasks presently carried out by the United Nations Truce Supervision Organization;

12. *Looks forward* to the early fulfilment of the mandate of the Force;

13. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

*Adopted unanimously at the 4696th meeting.*

### **Decision**

At its 4779th meeting, on 26 June 2003, the Security Council considered the item entitled:

“The situation in the Middle East

“Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2003/655)”.

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<sup>273</sup> S/2000/590 and Corr. 1.

**Resolution 1488 (2003)  
of 26 June 2003**

*The Security Council,*

*Having considered* the report of the Secretary-General of 18 June 2003 on the United Nations Disengagement Observer Force,<sup>274</sup> and reaffirming its resolution 1308 (2000) of 17 July 2000,

1. *Calls upon* the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;
2. *Decides* to renew the mandate of the United Nations Disengagement Observer Force for a period of six months, that is, until 31 December 2003;
3. *Requests* the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

*Adopted unanimously at the 4779th meeting.*

**Decisions**

At the 4779th meeting also, following the adoption of resolution 1488 (2003), the President of the Security Council made the following statement on behalf of the Council.<sup>275</sup>

“In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council:

‘As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force<sup>274</sup> states, in paragraph 12: “... the situation in the Middle East is very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached”. That statement of the Secretary-General reflects the view of the Security Council.’”

On 18 July 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>276</sup>

“I have the honour to inform you that your letter dated 15 July 2003 concerning your intention to appoint Major General Franciszek Gągor, of Poland, to the post of Force Commander of the United Nations Disengagement Observer Force<sup>277</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.”

At its 4802nd meeting, on 31 July 2003, the Council considered the item entitled:

“The situation in the Middle East

“Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/2003/728)”.

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<sup>274</sup> S/2003/655.

<sup>275</sup> S/PRST/2003/9.

<sup>276</sup> S/2003/727.

<sup>277</sup> S/2003/726.

**Resolution 1496 (2003)  
of 31 July 2003**

*The Security Council,*

*Recalling* all its resolutions on Lebanon, in particular resolutions 425 (1978) and 426 (1978) of 19 March 1978 and 1461 (2003) of 30 January 2003, as well as the statements by its President on the situation in Lebanon, in particular the statement of 18 June 2000,<sup>267</sup>

*Recalling also* the letter dated 18 May 2001 from the President of the Security Council addressed to the Secretary-General,<sup>268</sup>

*Recalling further* the conclusion of the Secretary-General that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the report of the Secretary-General of 22 May 2000,<sup>269</sup> as well as the conclusion of the Secretary-General that the United Nations Interim Force in Lebanon had essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

*Emphasizing* the interim nature of the Force,

*Recalling* its resolution 1308 (2000) of 17 July 2000,

*Recalling also* its resolution 1325 (2000) of 31 October 2000,

*Recalling further* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,<sup>270</sup>

*Responding* to the request of the Government of Lebanon, as stated in the letter dated 2 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General,<sup>278</sup>

1. *Endorses* the report of the Secretary-General of 23 July 2003 on the United Nations Interim Force in Lebanon,<sup>279</sup> and in particular its recommendation to renew the mandate of the Force for a further period of six months;
2. *Decides* to extend the present mandate until 31 January 2004;
3. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;
4. *Welcomes* the steps already taken by the Government of Lebanon to ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces, and calls upon it to continue to extend these measures and to do its utmost to ensure a calm environment throughout the south;
5. *Calls upon* the parties to ensure that the Force is accorded full freedom of movement in the discharge of its mandate throughout its area of operation as outlined in the report of the Secretary-General;
6. *Reiterates its call* upon the parties to continue to fulfil the commitments they have given to respect fully the withdrawal line identified by the United Nations, as set out in the report of the Secretary-General of 16 June 2000,<sup>273</sup> to exercise utmost restraint and to cooperate fully with the United Nations and the Force;
7. *Condemns* all acts of violence, expresses great concern about the serious breaches and the air, sea and land violations of the withdrawal line, and urges the parties to put an end to these

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<sup>278</sup> S/2003/685.

<sup>279</sup> S/2003/728.

violations and to abide scrupulously by their obligation to respect the safety of the personnel of the Force and other United Nations personnel;

8. *Supports* the continued efforts of the Force to maintain the ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties to correct violations, resolve incidents and prevent the escalation thereof;

9. *Welcomes* the continued contribution of the Force to operational demining, applauds the progress in demining efforts noted by the Secretary-General in his report, encourages further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and emergency demining activities in the south, commends donor countries for supporting these efforts through financial and in-kind contributions and encourages further international contributions, takes note of the communication to the Government of Lebanon and the Force of maps and information on the location of mines, and stresses the necessity to provide the Government of Lebanon and the Force with any additional maps and records on the location of mines;

10. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report thereon to the Council before the end of the present mandate, as well as on the activities of the Force and the tasks presently carried out by the United Nations Truce Supervision Organization;

11. *Looks forward* to the early fulfilment of the mandate of the Force;

12. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions, including its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

*Adopted unanimously at the 4802nd meeting.*

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**BRIEFINGS BY THE CHAIRMEN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT, THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 864 (1993) CONCERNING THE SITUATION IN ANGOLA, THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1267 (1999), THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1343 (2001) CONCERNING LIBERIA, THE AD HOC WORKING GROUP ON CONFLICT PREVENTION AND RESOLUTION IN AFRICA, AND THE SECURITY COUNCIL WORKING GROUP ON PEACEKEEPING OPERATIONS**

**Decisions**

At its 4673rd meeting, on 18 December 2002, the Security Council considered the item entitled "Briefings by the Chairmen of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant to resolution 1267 (1999), the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, and the Security Council Working Group on Peacekeeping Operations".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ole Peter Kolby, Chairman of the Security Council Committee established by resolution

661 (1990) concerning the situation between Iraq and Kuwait; Mr. Richard Ryan, Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola; Mr. Alfonso Valdivieso, Chairman of the Security Council Committee established pursuant to resolution 1267 (1999); Mr. Kishore Mahbubani, Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia; Mr. Jagdish Koonjul, Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa; and Mr. Wegger Christian Strømmen, Chairman of the Security Council Working Group on Peacekeeping Operations.

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## THE SITUATION IN CÔTE D'IVOIRE

### Decisions

At its 4680th meeting, on 20 December 2002, the Security Council decided to invite the representatives of Côte d'Ivoire and Senegal to participate, without vote, in the discussion of the item entitled "The situation in Côte d'Ivoire".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>280</sup>

"The Security Council expresses its grave concern at the situation in Côte d'Ivoire and its serious consequences for the population of this country and the region. The Council firmly condemns attempts to use force to influence the political situation in Côte d'Ivoire and to overthrow the elected Government. It calls for full respect for the constitutional order of Côte d'Ivoire and emphasizes its full support for the legitimate Government of the country. It stresses also the need to respect the sovereignty, political unity and territorial integrity of Côte d'Ivoire. It calls upon all States in the region to refrain from any interference in Côte d'Ivoire.

"The Council stresses that the crisis in Côte d'Ivoire can be resolved only through a negotiated political solution. It calls upon all parties involved in the conflict to work actively to achieve such a solution and to abstain from any act or declaration that could jeopardize efforts to that end. Such a solution must address the underlying causes of the conflict.

"The Council strongly supports the efforts of the Economic Community of West African States, currently chaired by Senegal, to promote a peaceful resolution of the conflict. It urges the leaders of the Economic Community of West African States to continue their efforts in a coordinated manner. In this regard it welcomes the final communiqué adopted on 18 December 2002 at the extraordinary Summit of Heads of State and Government of the Economic Community of West African States in Dakar.<sup>281</sup>

"In particular, the Council welcomes the commitment by the President of the Republic of Côte d'Ivoire to present in the coming days a comprehensive plan to end the crisis. It stresses that such a plan is a crucial step towards achieving a peaceful solution and calls upon the President of Côte d'Ivoire to involve all parties fully and to seek consensus among them.

"The Council also takes note of paragraph 18 of the final communiqué of the Dakar Summit, in which the Economic Community of West African States requests the United Nations and the Secretary-General to contribute to the resolution of the crisis in

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<sup>280</sup> S/PRST/2002/42.

<sup>281</sup> S/2002/1386, annex.

Côte d'Ivoire. The Council commends the Secretary-General for his efforts to promote a negotiated settlement, in coordination with the Economic Community of West African States. The Council requests him to continue those efforts, particularly by providing all necessary support and assistance to the mediation efforts of the Economic Community of West African States. The Council requests the Secretary-General to keep it regularly informed about the situation.

“The Council expresses its full support for the deployment in Côte d'Ivoire of the Economic Community of West African States Monitoring Group force, under Senegalese command, by 31 December 2002, as called for in the final communiqué of the Dakar Summit. It commends all countries of the Economic Community of West African States which have decided to contribute troops to this force and calls upon the international community to provide assistance to it.

“The Council also commends France for the efforts it has made, at the request of the Government of Côte d'Ivoire, to prevent further fighting, on a provisional basis pending the deployment of the Economic Community of West African States Monitoring Group force. It also expresses its appreciation for the efforts of France to contribute to a political solution of the crisis, including the possible hosting of meetings on the situation in Côte d'Ivoire. It also recognizes the efforts of the African Union to bring about a resolution of the crisis in Côte d'Ivoire.

“The Council expresses its deepest concern at reports of mass killings and grave violations of human rights in Côte d'Ivoire. It calls upon all parties to ensure full respect for human rights and international humanitarian law, particularly with regard to the civilian population, regardless of its origin, and to bring to justice all those responsible for any violation thereof. The Council welcomes the decision by the Secretary-General to request the United Nations High Commissioner for Human Rights to gather precise information about violations of human rights and international humanitarian law in Côte d'Ivoire, including through the dispatch of a fact-finding mission to that country.

“The Council also expresses its concern at the humanitarian consequences of the crisis in Côte d'Ivoire. It calls upon the international community to provide urgent humanitarian assistance to those in need in all the countries of the subregion that are affected by the Ivorian crisis. It also calls upon all parties to provide unhindered access to the affected populations.”

At its 4700th meeting, on 4 February 2003, the Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in the discussion of the item entitled:

“The situation in Côte d'Ivoire

“Letter dated 27 January 2003 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/2003/99)”.

**Resolution 1464 (2003)  
of 4 February 2003**

*The Security Council,*

*Reaffirming its strong commitment* to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire,

*Recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

*Recalling also* the decision taken by the Economic Community of West African States Summit, held in Accra on 29 September 2002, to deploy a peacekeeping force in Côte d'Ivoire,

*Recalling its full support* for the efforts of the Economic Community of West African States to promote a peaceful settlement of the conflict, and also appreciating the efforts of the African Union to reach a settlement,



*Welcoming* the convening, at the invitation of France, of the Round Table of Ivorian political forces, held in Linas-Marcoussis from 15 to 23 January 2003, and the Conference of Heads of State on Côte d'Ivoire, held in Paris on 25 and 26 January 2003,

*Welcoming also* the statement issued on 31 January 2003 following the twenty-sixth ordinary Summit of the Heads of State and Government of the Economic Community of West African States, held in Dakar,<sup>282</sup> as well as the communiqué issued on 3 February 2003 following the seventh ordinary session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the African Union, held at the level of heads of State and Government in Addis Ababa,<sup>283</sup>

*Noting* the existence of challenges to the stability of Côte d'Ivoire, and determining that the situation in Côte d'Ivoire constitutes a threat to international peace and security in the region,

1. *Endorses* the agreement signed by the Ivorian political forces in Linas-Marcoussis, France, on 23 January 2003 ("the Linas-Marcoussis Agreement")<sup>284</sup> and adopted by the Conference of Heads of State on Côte d'Ivoire, and calls upon all Ivorian political forces to implement it fully and without delay;

2. *Notes* the provisions in the Linas-Marcoussis Agreement for the formation of a Government of National Reconciliation, and calls upon all Ivorian political forces to work with the President and the Prime Minister towards the establishment of a balanced and stable Government;

3. *Also notes* the provisions in the Linas-Marcoussis Agreement for the establishment of a Monitoring Committee, calls upon all the members of that Committee to monitor closely compliance with the terms of the Agreement, and urges all parties to cooperate fully with the Committee;

4. *Expresses its gratitude* to the Secretary-General for the vital role he has played in the smooth conduct of these meetings, and encourages him to continue to contribute to a final settlement of the Ivorian crisis;

5. *Requests* the Secretary-General to submit to the Council at the earliest possible date recommendations on how the United Nations could support fully the implementation of the Linas-Marcoussis Agreement, in accordance with the request by the Round Table of Ivorian political forces and by the Conference of Heads of State on Côte d'Ivoire, and declares its readiness to take appropriate measures on the basis of these recommendations;

6. *Welcomes* the intention of the Secretary-General to appoint a Special Representative for Côte d'Ivoire, based in Abidjan, and requests him to do so as soon as possible;

7. *Condemns* violations of human rights and international humanitarian law that have taken place in Côte d'Ivoire since 19 September 2002 and stresses the need to bring to justice those responsible, and urges all parties, including the Government, to take all necessary steps to prevent further violations of human rights and international humanitarian law, in particular against civilians regardless of their origin;

8. *Welcomes* the deployment of forces of the Economic Community of West African States and French troops with a view to contributing to a peaceful solution of the crisis and, in particular, to the implementation of the Linas-Marcoussis Agreement;

9. *Acting* under Chapter VII of the Charter of the United Nations, and in accordance with the proposal contained in paragraph 14 of the conclusions of the Conference of Heads of State on Côte d'Ivoire,<sup>285</sup> authorizes Member States participating in the forces of the Economic Community of West African States in accordance with Chapter VIII of the Charter together with

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<sup>282</sup> S/2003/141, annex.

<sup>283</sup> S/2003/142, annex.

<sup>284</sup> S/2003/99, annex I.

<sup>285</sup> *Ibid.*, annex II.

the French forces supporting them to take the necessary steps to guarantee the security and freedom of movement of their personnel and to ensure, without prejudice to the responsibilities of the Government of National Reconciliation, the protection of civilians immediately threatened with physical violence within their zones of operation, using the means available to them, for a period of six months, after which the Council will assess the situation on the basis of the reports referred to in paragraph 10 below and decide whether to renew this authorization;

10. *Requests* the Economic Community of West African States, through the command of its force, and France to report to the Council periodically, through the Secretary-General, on all aspects of the implementation of their respective mandates;

11. *Calls upon* all States neighbouring Côte d'Ivoire to support the peace process by preventing any action that might undermine the security and territorial integrity of Côte d'Ivoire, particularly the movement of armed groups and mercenaries across their borders and illicit trafficking and proliferation of arms in the region, including small arms and light weapons;

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

*Adopted unanimously at the 4700th meeting.*

### Decisions

On 12 February 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>286</sup>

“I have the honour to inform you that your letter dated 7 February 2003 concerning your decision to appoint Mr. Albert Tevoedjre as your Special Representative for Côte d'Ivoire<sup>287</sup> has been brought to the attention of the members of the Security Council. They take note of the decision contained in your letter.”

At its 4746th meeting, on 29 April 2003, the Council decided to invite the Minister for Foreign Affairs of Ghana, the Minister of State and Minister for Foreign Affairs of Côte d'Ivoire, the Minister of State for Foreign Affairs of Nigeria and the representative of Senegal to take seats at the Council table in the discussion of the item entitled “The situation in Côte d'Ivoire”.

At the same meeting, in response to the request dated 25 April 2003 from the Permanent Representative of Ghana to the United Nations addressed to the President of the Security Council,<sup>288</sup> the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Mohamed Ibn Chambas, Executive Secretary of the Economic Community of West African States.

At its 4747th meeting, held in private on 29 April 2003, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4747th meeting, held in private on 29 April 2003, the Security Council considered the item entitled ‘The situation in Côte d'Ivoire’.

“Members of the Council, the Minister for Foreign Affairs of Ghana and current Chairman of the Economic Community of West African States, the Minister of State and Minister for Foreign Affairs of Côte d'Ivoire, the Minister for Foreign Affairs of Guinea, the Minister of State for Foreign Affairs of Nigeria, the Permanent Representative of Senegal and the Executive Secretary of the Economic Community of West African States had a constructive discussion.

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<sup>286</sup> S/2003/169.

<sup>287</sup> S/2003/168.

<sup>288</sup> Document S/2003/500, incorporated in the record of the 4746th meeting.

“The members of the Council welcomed the action taken by the Economic Community of West African States with a view to resolving the crisis in Côte d’Ivoire. They strongly supported the appeal addressed by the ministerial delegation of the Economic Community of West African States to Member States to provide logistical and financial support for the Economic Community of West African States force deployed in Côte d’Ivoire.”

In a letter dated 5 May 2003, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to the West African subregion from 15 to 23 May 2003.<sup>289</sup>

At its 4754th meeting, on 13 May 2003, the Council decided to invite the representative of Côte d’Ivoire to participate, without vote, in the discussion of the item entitled:

“The situation in Côte d’Ivoire

“Report of the Secretary-General on Côte d’Ivoire (S/2003/374 and Corr.1 and Add.1)”.

### **Resolution 1479 (2003) of 13 May 2003**

*The Security Council,*

*Reaffirming* its resolution 1464 (2003) of 4 February 2003, the statement by its President of 20 December 2002,<sup>280</sup> as well as its resolutions 1460 (2003) of 30 January 2003 and 1467 (2003) of 18 March 2003,

*Reaffirming its strong commitment* to the sovereignty, independence, territorial integrity and unity of Côte d’Ivoire, and reaffirming its opposition to any attempts to seize power by unconstitutional means,

*Recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

*Recalling its full support* for the efforts of the Economic Community of West African States and France to promote a peaceful settlement of the conflict, and reiterating its appreciation for the efforts of the African Union to reach a settlement,

*Reaffirming its endorsement* of the agreement signed by the Ivorian political forces at Linas-Marcoussis, France, on 23 January 2003 (“the Linas-Marcoussis Agreement”)<sup>284</sup> and approved by the Conference of Heads of State on Côte d’Ivoire, held in Paris on 25 and 26 January 2003,

*Noting with satisfaction* the conclusions reached at the meeting held in Accra from 6 to 8 March 2003, under the chairmanship of the President of Ghana, the current presidency of the Economic Community of West African States,

*Noting with satisfaction also* the appointment of the Government of National Reconciliation and the cabinet meeting of 3 April 2003, attended by all the constituent political groups, in the presence of the Presidents of Ghana, Nigeria and Togo,

*Welcoming* the report of the Secretary-General of 26 March 2003<sup>290</sup> and the recommendations contained therein,

*Noting* the existence of challenges to the stability of Côte d’Ivoire, and determining that the situation in Côte d’Ivoire constitutes a threat to international peace and security in the region,

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<sup>289</sup> The letter, which was issued as a Security Council document under the symbol S/2003/525, has been reproduced on page 32 of the present volume.

<sup>290</sup> S/2003/374 and Corr.1.

1. *Reaffirms its strong support* for the Special Representative of the Secretary-General, and approves his full authority for the coordination and conduct of all the activities of the United Nations system in Côte d'Ivoire;
2. *Decides* to establish, for an initial period of six months, a United Nations Mission in Côte d'Ivoire, with a mandate to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement,<sup>284</sup> and including a military component on the basis of option (b) identified in the report of the Secretary-General,<sup>291</sup> complementing the operations of the French forces and the forces of the Economic Community of West African States;
3. *Approves* the establishment of a small staff to support the Special Representative of the Secretary-General on political, legal, civil affairs, civilian police, elections, media and public relations, humanitarian and human rights issues, and the establishment of a military liaison group whose tasks shall include:
  - (a) Providing advice to the Special Representative on military matters;
  - (b) Monitoring the military situation, including the security of Liberian refugees, and reporting to the Special Representative thereon;
  - (c) Establishing liaison with the French and Economic Community of West African States forces for the purpose of advising the Special Representative on military and related developments;
  - (d) Establishing also liaison with the Forces armées nationales de Côte d'Ivoire and the Forces nouvelles, in order to build confidence and trust between the armed groups, in cooperation with the French and the forces of the Economic Community of West African States, in particular concerning helicopters and combat aircraft;
  - (e) Providing input to forward planning on disengagement, disarmament and demobilization and identifying future tasks, in order to advise the Government of Côte d'Ivoire and support the French and the forces of the Economic Community of West African States;
  - (f) Reporting to the Special Representative on the above issues;
4. *Stresses* that the military liaison group should be initially composed of twenty-six military officers and that up to fifty additional officers may be progressively deployed when the Secretary-General determines that there is a need and that security conditions permit;
5. *Requests* that, in addition to the recommendations made in the report of the Secretary-General regarding the organization of the Mission,<sup>292</sup> in particular its reference to the human rights components of the Mission, special attention be given to the gender component within the staff of the Mission and to the situation of women and girls, consistent with resolution 1325 (2000) of 31 October 2000;
6. *Renews its appeal* to all Ivorian political forces to implement fully and without delay the Linas-Marcoussis Agreement, and invites the Government of National Reconciliation to this end to develop a timetable for implementing the Linas-Marcoussis Agreement and to communicate this timetable to the Monitoring Committee;
7. *Recalls* the importance of sparing no effort, in keeping with the spirit of the Linas-Marcoussis Agreement, to enable the Government of National Reconciliation fully to exercise its mandate during this transitional period;
8. *Emphasizes again* the need to bring to justice those responsible for the serious violations of human rights and international humanitarian law that have taken place in Côte d'Ivoire since 19 September 2002, and reiterates its demand that all Ivorian parties take all the necessary measures to prevent further violations of human rights and international humanitarian law, particularly against civilian populations whatever their origins;

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<sup>291</sup> Ibid., para. 71.

<sup>292</sup> S/2003/374 and Corr.1 and Add.1.

9. *Stresses* the importance of an early start to the process of disarmament, demobilization and reintegration;

10. *Requests* all Ivorian parties to cooperate with the Mission in the execution of its mandate, to ensure the freedom of movement of its personnel throughout the country and the unimpeded and safe movement of the personnel of humanitarian agencies, and to support efforts to find safe and durable solutions for refugees and displaced persons;

11. *Requests* the forces of the Economic Community of West African States and the French forces, in the execution of their mandate in accordance with resolution 1464 (2003), to continue to work in close consultation with the Special Representative and the Monitoring Committee, and to continue to report to the Council periodically on all aspects of the implementation of their respective mandates;

12. *Welcomes* the complete ceasefire reached on 3 May 2003 between the Forces armées nationales de Côte d'Ivoire and the Forces nouvelles for the entire territory of Côte d'Ivoire, in particular the west, and welcomes the intention of the forces of the Economic Community of West African States and the French forces to lend their full support in the implementation of this ceasefire;

13. *Renews its appeal* to all the States in the region to support the peace process by refraining from any action that might undermine the security and territorial integrity of Côte d'Ivoire, particularly the movement of armed groups and mercenaries across their borders and the illicit trafficking and proliferation in the region of arms, especially small arms and light weapons;

14. *Urges* all Ivorian parties to refrain from any recruitment or use of mercenaries or foreign military units, and expresses its intention to consider possible actions to address this issue;

15. *Demands* that, in accordance with its resolution 1460 (2003), all parties to the conflict who are recruiting or using children in violation of the international obligations applicable to them immediately halt such recruitment or use of children;

16. *Emphasizes again* the urgent need to provide logistic and financial support to the forces of the Economic Community of West African States, including through an appropriate trust fund established by the Economic Community of West African States to this effect, and calls upon the member States to provide substantial international aid to meet the emergency humanitarian needs and permit the reconstruction of the country, and in this context stresses that the return of internally displaced persons, particularly to the north of the country, would be important for the process of reconstruction;

17. *Stresses* the importance of the regional dimension of the conflict and its consequences for neighbouring States, and invites the donor community to help the neighbouring States to face the humanitarian and economic consequences of the crisis;

18. *Requests* the Secretary-General to report to the Council every three months on the implementation of the present resolution and to provide monthly updates;

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

*Adopted unanimously at the 4754th meeting.*

### **Decisions**

On 3 June 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>293</sup>

“I have the honour to inform you that your letter dated 29 May 2003 concerning your intention to appoint Brigadier General Abdul Hafiz, of Bangladesh, to the post of Chief Military Liaison Officer of the United Nations Mission in Côte d'Ivoire<sup>294</sup> has been brought

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<sup>293</sup> S/2003/607.

<sup>294</sup> S/2003/606.

to the attention of the members of the Security Council. They take note of the information and the intention expressed in your letter.”

At its 4793rd meeting, on 25 July 2003, the Council decided to invite the representative of Côte d’Ivoire to participate, without vote, in the discussion of the item entitled “The situation in Côte d’Ivoire”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>295</sup>

“The Security Council reiterates the need for Ivorian political forces to implement fully and without delay all the provisions of the Linas-Marcoussis Agreement,<sup>284</sup> as well as those of the agreement signed in Accra on 8 March 2003 (“Accra II”), with a view to open, free and transparent elections being held in 2005. The Council takes note with satisfaction of the formation of a Government of National Reconciliation and the progress made, particularly the identification of cantonment areas and the delegation of powers to the Prime Minister, and is looking forward to new progress in accordance with the Linas-Marcoussis Agreement. The Council also welcomes the Joint Declaration of the Defence and Security Forces of Côte d’Ivoire and the Armed Forces of the Forces Nouvelles of 4 July 2003.<sup>296</sup>

“The Council emphasizes, however, that much remains to be done to achieve the full implementation of the Linas-Marcoussis Agreement. In this regard, the Council endorses the recommendations of its mission to West Africa.<sup>297</sup> The Council calls upon Ivorian political forces to redouble their efforts in the following areas: voting for the amnesty bill submitted to the National Assembly by the Government, the complete implementation of a “disarmament, demobilization and reintegration” programme, the extension of public services and the authority of the State to areas still under the control of the Forces nouvelles, the appointment of ministers for defence and interior security, the guarantee of equal security for all ministers, the dismantling of militias throughout the country and the termination of the activities of mercenaries and of the purchase of weapons.

“The Council renews its support and encouragement to the Special Representative of the Secretary-General for Côte d’Ivoire. It asks him to keep the Council closely informed of developments towards the full implementation of the above objectives. It is pleased that the United Nations Mission in Côte d’Ivoire is now operational and hopes that it will soon be fully staffed, including in such crucial areas as the political and human rights components.

“The Council reiterates its full support for the efforts of the Economic Community of West African States and France in contributing to a peaceful solution to the crisis. It welcomes in particular the satisfactory deployment of their peacekeeping forces in the western part of the country to support the implementation of the ceasefire reached on 3 May 2003. The Council calls upon Member States to continue to respond to the appeal made at the donors conference in Paris on 18 July 2003, attended by the Executive Secretary of the Economic Community of West African States and the Special Representative of the Secretary-General, and to provide logistic and financial support to the Economic Community of West African States Mission in Côte d’Ivoire so that it can continue to fulfil its important mandate.

“The Council invites donor countries to contribute to the reconstruction of Côte d’Ivoire in compliance with the commitments undertaken at Kléber.

“The Council expresses its concern at the continued existence of regional factors of instability, particularly the use of mercenaries and child soldiers, and the spread of small arms and light weapons, which prevent a lasting solution to the crisis in the region. The

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<sup>295</sup> S/PRST/2003/11.

<sup>296</sup> S/2003/704, annex.

<sup>297</sup> See S/2003/668.

Council requests the Secretary-General to submit recommendations to the Council as soon as possible on ways to combat such subregional and cross-border problems, focusing in particular on better coordination of United Nations efforts.

“The Council is convinced that a lasting solution to the problems of the subregion also requires genuine cooperation among all States concerned, together with confidence-building measures and the personal commitment of heads of State in the subregion.”

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## CHILDREN AND ARMED CONFLICT<sup>298</sup>

### Decisions

At its 4684th meeting, on 14 January 2003, the Security Council decided to invite the representatives of Austria, Bahrain, Burundi, Canada, Colombia, Costa Rica, the Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Greece, Indonesia, Israel, Japan, Liechtenstein, Malawi, Monaco, Myanmar, Namibia, Nepal, the Philippines, Rwanda, Sierra Leone, Slovenia, Switzerland and Ukraine to participate, without vote, in the discussion of the item entitled:

“Children and armed conflict

“Report of the Secretary-General on children and armed conflict (S/2002/1299)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, and Ms. Carol Bellamy, Executive Director of the United Nations Children’s Fund.

Upon resumption of the meeting, on 14 January 2003, the Council further decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 14 January 2003 to the President of the Council,<sup>299</sup> in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At its 4695th meeting, on 30 January 2003, the Council considered the item entitled:

“Children and armed conflict

“Report of the Secretary-General on children and armed conflict (S/2002/1299)”.

### Resolution 1460 (2003) of 30 January 2003

*The Security Council,*

*Reaffirming* its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000 and 1379 (2001) of 20 November 2001, which provide a comprehensive framework for addressing the protection of children affected by armed conflict,

*Recalling* its resolutions 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000, 1306 (2000) of 5 July 2000, 1308 (2000) of 17 July 2000, and 1325 (2000) of 31 October 2000, as well as all statements by its President on children and armed conflict, and taking note of the report of the Secretary-General of 16 October 2002 on women, peace and security,<sup>300</sup>

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<sup>298</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1998, 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>299</sup> Document S/2003/45, incorporated in the record of the 4684th meeting (Resumption 1).

<sup>300</sup> S/2002/1154.

*Reiterating* its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

*Underlining* the need for all parties concerned to comply with the provisions of the Charter of the United Nations and international law, in particular those regarding children,

*Emphasizing* the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

*Underlining* the importance of the full, safe and unhindered access of humanitarian personnel and goods and the delivery of humanitarian assistance to all children affected by armed conflict,

*Welcoming* the entry into force on 12 February 2002 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,<sup>301</sup>

*Noting* the fact that the conscription or enlistment of children under the age of 15 into the national armed forces or using them to participate actively in hostilities is classified as a war crime by the Rome Statute of the International Criminal Court,<sup>302</sup> which recently entered into force,

*Having considered* the report of the Secretary-General of 26 November 2002 on the implementation of, inter alia, its resolution 1379 (2001),<sup>303</sup>

1. *Supports* the call of the Secretary-General for “an era of application” of international norms and standards for the protection of children affected by armed conflict;

2. *Encourages* the agencies, funds and programmes of the United Nations, within their respective mandates, to strengthen their cooperation and their coordination when addressing the protection of children in armed conflict;

3. *Calls upon* all parties to armed conflict who are recruiting or using children in violation of the international obligations applicable to them to halt immediately such recruitment or use of children;

4. *Expresses its intention* to enter into dialogue, as appropriate, or to support the Secretary-General in entering into dialogue with parties to armed conflict in violation of the international obligations applicable to them on the recruitment or use of children in armed conflict, in order to develop clear and time-bound action plans to end this practice;

5. *Notes with concern* the list annexed to the report of the Secretary-General,<sup>303</sup> and calls upon the parties identified in this list to provide information on steps they have taken to halt their recruitment or use of children in armed conflict in violation of the international obligations applicable to them to the Special Representative of the Secretary-General for Children and Armed Conflict, bearing in mind the provisions of paragraph 9 of its resolution 1379 (2001);

6. *Expresses, accordingly, its intention* to consider taking appropriate steps further to address this issue, in accordance with the Charter of the United Nations and its resolution 1379 (2001), if it deems that insufficient progress has been made upon the review of the next report of the Secretary-General;

7. *Urges* Member States, in accordance with the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>304</sup> to

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<sup>301</sup> General Assembly resolution 54/263, annex I.

<sup>302</sup> *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.1.5), sect. A.

<sup>303</sup> S/2002/1299.

<sup>304</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.



take effective action through, inter alia, conflict resolution and the development and implementation of national legislation, in a manner which is consistent with existing responsibilities of States under relevant international law, to control the illicit trade of small arms to parties in armed conflict that do not respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict;

8. *Calls upon* States to respect fully the relevant provisions of applicable international humanitarian law relating to the rights and protection of children in armed conflict, in particular the four Geneva Conventions of 12 August 1949,<sup>305</sup> inter alia, the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

9. *Reiterates its determination* to continue to include specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including provisions recommending child protection advisers on a case-by-case basis and training for United Nations and associated personnel on child protection and child rights;

10. *Notes with concern* all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crisis, including those cases involving humanitarian workers and peacekeepers, and requests 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;

11. *Requests* the agencies, funds and programmes of the United Nations, with support from contributing countries, to implement HIV/AIDS education and offer HIV testing and counselling services for all United Nations peacekeepers, police and humanitarian personnel;

12. *Calls upon* all concerned parties to ensure that the protection, rights and well-being of children are integrated into the peace processes, peace agreements and the post-conflict recovery and reconstruction phases;

13. *Calls upon* Member States and international organizations to ensure that children affected by armed conflict are involved in all disarmament, demobilization and reintegration processes, taking into account the specific needs and capacities of girls, and that the duration of these processes is sufficient for a successful transition to normal life, with a particular emphasis on education, including the monitoring, through, inter alia, schools, of children demobilized in order to prevent re-recruitment;

14. *Calls upon* parties involved in armed conflict to abide by the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict and to cooperate fully with the United Nations system in the implementation of their commitments;

15. *Requests* the Secretary-General to ensure that in all his reports to the Council on country-specific situations, the protection of children in armed conflict is included as a specific aspect of the report;

16. *Also requests* the Secretary-General to submit a report by 31 October 2003 on the implementation of the present resolution and of its resolution 1379 (2001) which would include, inter alia:

(a) Progress made by the parties listed in the annex to his report in ending the recruitment or use of children in armed conflict in violation of international obligations applicable to them, taking into account the parties to other armed conflicts that recruit or use children which are mentioned in the report in accordance with paragraph 16 of resolution 1379 (2001);

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<sup>305</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

(b) An assessment of violations of rights and abuses of children in armed conflict, including in the context of illicit exploitation and trafficking of natural resources and of illicit trafficking of small arms in conflict zones;

(c) Specific proposals on ways to ensure monitoring and reporting in a more effective and efficient way within the existing United Nations system on the application of the international norms and standards for the protection of children in situations of armed conflict in all its various aspects;

(d) Best practices on integrating the specific needs of children in armed conflict into disarmament, demobilization, rehabilitation and reintegration programmes, including an assessment of child protection advisers in peacekeeping and peace-building support operations, and on negotiations aimed at ending the recruitment or use of children in armed conflict in violation of international obligations applicable to the parties concerned;

17. *Decides* to remain actively seized of this matter.

*Adopted unanimously at the 4695th meeting.*

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## THE SITUATION IN AFRICA<sup>306</sup>

### Decisions

On 20 January 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>307</sup>

“I have the honour to inform you that your letter dated 15 January 2003 concerning your decision to extend the appointment of Mr. Mohamed Sahnoun as your Special Adviser on Africa until 31 December 2003<sup>308</sup> has been brought to the attention of the members of the Security Council, who have taken note thereof.”

On 31 January 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>309</sup>

“I have the honour to inform you that your letter dated 27 January 2003 concerning your decision to extend the appointment of Mr. Ibrahim Gambari as your Adviser for Special Assignments in Africa until 28 February 2004<sup>310</sup> has been brought to the attention of the members of the Security Council. They take note of your decision and the information contained in your letter.”

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## KIMBERLEY PROCESS CERTIFICATION SCHEME

### Decision

At its 4694th meeting, on 28 January 2003, the Security Council considered the item entitled “Kimberley Process Certification Scheme”.

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<sup>306</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1997 to 2001 and during the period from 1 January to 31 July 2002.

<sup>307</sup> S/2003/67.

<sup>308</sup> S/2003/66.

<sup>309</sup> S/2003/126.

<sup>310</sup> S/2003/125.

**Resolution 1459 (2003)  
of 28 January 2003**

*The Security Council,*

*Noting with deep concern* the linkage between the illicit trade in rough diamonds from certain regions of the world and the fuelling of armed conflicts that affect international peace and security,

*Recalling* all its relevant resolutions to control the illicit trade in rough diamonds, including resolutions 1173 (1998) of 12 June 1998, 1306 (2000) of 5 July 2000, 1343 (2001) of 7 March 2001, 1385 (2001) of 19 December 2001 and 1408 (2002) of 6 May 2002,

*Highlighting in particular* resolution 1295 (2000) of 18 April 2000, in which the Council welcomed the proposal that led to the adoption of the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,<sup>311</sup>

*Highlighting* the importance of conflict prevention through efforts to hinder the fuelling of conflicts by illicit trade in rough diamonds, which is the very nature of the Kimberley Process,

*Noting in particular* the importance of the major diamond producing, trading, and processing countries participating in the Kimberley Process system of self-regulation,

*Expressing its appreciation* to the Governments of South Africa, Namibia, Belgium, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, Angola, Botswana, Canada and Switzerland for hosting meetings of the Kimberley Process,

*Noting with appreciation* the important contribution made by industry and civil society to the development of the Kimberley Process Certification Scheme,

*Noting* the decision made at the meeting held in Interlaken, Switzerland, on 5 November 2002 to launch the Kimberley Process Certification Scheme beginning on 1 January 2003,

*Welcoming* the progress achieved at the Interlaken meeting in developing the Kimberley Process Certification Scheme, including the adoption of the Interlaken Declaration,

1. *Strongly supports* the Kimberley Process Certification Scheme, as well as the ongoing process to refine and implement the regime, adopted at the Interlaken conference as a valuable contribution against trafficking in conflict diamonds, looks forward to its implementation, and strongly encourages the participants to further resolve outstanding issues;

2. *Welcomes* the voluntary system of industry self-regulation, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds;<sup>311</sup>

3. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential and should be encouraged and facilitated, and urges all Member States to participate actively in the Scheme.

*Adopted unanimously at the 4694th meeting.*

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<sup>311</sup> A/57/489, annex 2.

## THE SITUATION IN GEORGIA<sup>312</sup>

### Decision

At its 4697th meeting, on 30 January 2003, the Security Council considered the item entitled:

“The situation in Georgia

“Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2003/39)”.

### Resolution 1462 (2003) of 30 January 2003

*The Security Council,*

*Recalling* all its relevant resolutions, in particular resolution 1427 (2002) of 29 July 2002,

*Having considered* the report of the Secretary-General of 13 January 2003,<sup>313</sup>

*Recalling* the conclusions of the summits of the Organization for Security and Cooperation in Europe held in Lisbon in December 1996<sup>314</sup> and in Istanbul on 18 and 19 November 1999, regarding the situation in Abkhazia, Georgia,

*Recalling also* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,<sup>315</sup>

*Recalling further* its condemnation of the shooting down of a helicopter of the United Nations Observer Mission in Georgia on 8 October 2001, which resulted in the death of the nine people on board, and deploring the fact that the perpetrators of that attack have still not been identified,

*Stressing* that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

*Welcoming* the important contributions made by the Mission and the collective peacekeeping force of the Commonwealth of Independent States in stabilizing the situation in the zone of conflict, and stressing its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 13 January 2003,<sup>313</sup>
2. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;
3. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the Secretary-General and the Organization for Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;
4. *Reiterates, in particular, its support* for the document on “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” and for its letter of transmittal,

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<sup>312</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1992 to 2001 and during the period from 1 January to 31 July 2002.

<sup>313</sup> S/2003/39.

<sup>314</sup> S/1997/57, annex.

<sup>315</sup> General Assembly resolution 49/59, annex.

finalized by, and with the full support of, all members of the Group of Friends of the Secretary-General;

5. *Regrets* the lack of progress on the initiation of political status negotiations, and recalls once again that the purpose of those documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia and is not an attempt to impose or dictate any specific solution to the parties;

6. *Underlines further* the fact that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

7. *Deeply regrets*, in particular, the repeated refusal of the Abkhaz side to agree to a discussion on the substance of that document, again strongly urges the Abkhaz side to receive the document and its letter of transmittal, urges both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and urges those having influence with the parties to promote this outcome;

8. *Welcomes*, in that regard, the intention of the Secretary-General to invite senior representatives of the Group of Friends to an informal brainstorming session on the way ahead;

9. *Calls upon* the parties to spare no efforts to overcome their ongoing mutual mistrust;

10. *Condemns* any violations of the provisions of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;<sup>316</sup>

11. *Welcomes* the decrease of tensions in the Kodori Valley and the intention reaffirmed by the parties to resolve the situation peacefully, recalls its strong support for the protocol signed by the two sides on 2 April 2002 regarding the situation in the Kodori Valley, calls upon both sides, and in particular the Georgian side, to continue to fully implement this protocol, and recognizes the legitimate security concerns of the civilian populations in the area, calls upon the political leaders in Tbilisi and Sukhumi to observe security agreements, and calls upon both sides to spare no efforts to agree on a mutually acceptable arrangement for security of the population in, and in the vicinity of, the Kodori Valley;

12. *Calls upon* the Georgian side to continue to improve security for joint patrols of the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in the Kodori Valley to enable them to monitor the situation independently and regularly;

13. *Strongly urges* the parties to ensure the necessary revitalization of the peace process in all its major aspects, to resume their work in the Coordinating Council and its relevant mechanisms, to build on the results of the third meeting on confidence-building measures between the Georgian and Abkhaz sides, held in Yalta, Ukraine, on 15 and 16 March 2001,<sup>317</sup> to implement the proposals agreed on that occasion in a purposeful and cooperative manner, and to consider holding a fourth conference on confidence-building measures;

14. *Stresses* the urgent need for progress on the question of refugees and internally displaced persons, calls upon both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with the Mission, reaffirms the unacceptability of the demographic changes resulting from the conflict, reaffirms also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994<sup>318</sup> and the Yalta Declaration,<sup>317</sup> recalls that the Abkhaz side bears a

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<sup>316</sup> S/1994/583 and Corr. I, annex I.

<sup>317</sup> S/2001/242, annex.

<sup>318</sup> S/1994/397, annex II.

particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and requests further measures to be undertaken, inter alia, by the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs of the Secretariat to create conditions conducive to the return of refugees and internally displaced persons, including through quick-impact projects, to develop their skills and to increase their self-reliance, with full respect for their inalienable right to return to their homes in secure and dignified conditions;

15. *Once again urges* the parties to implement the recommendations of the joint assessment mission to the Gali district, carried out under the aegis of the United Nations,<sup>319</sup> welcomes the recent visit of a United Nations police assessment team to the Gali and Zugdidi sectors, looks forward to its recommendations, and calls in particular upon the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

16. *Calls upon* both parties publicly to dissociate themselves from militant rhetoric and demonstrations of support for military options and for the activities of illegal armed groups, and encourages the Georgian side in particular to continue its efforts to put an end to the activities of illegal armed groups;

17. *Welcomes* the additional safeguards for helicopter flights instituted in response to the shooting down of a helicopter of the Mission on 8 October 2001, calls once again upon the parties to take all necessary steps to identify those responsible for the incident, to bring them to justice and to inform the Special Representative on the implementation of these steps;

18. *Underlines* the fact that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of the Mission, the collective peacekeeping force and other international personnel;

19. *Welcomes* the constant review by the Mission of its security arrangements in order to ensure the highest possible level of security for its staff;

20. *Decides* to extend the mandate of the Mission for a new period terminating on 31 July 2003, and to review further that mandate unless a decision on the presence of the collective peacekeeping force is taken by 15 February 2003;

21. *Requests* the Secretary-General to continue to keep the Security Council regularly informed and to report three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia;

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

*Adopted unanimously at the 4697th meeting.*

### **Decisions**

At its 4799th meeting, held in private on 30 July 2003, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4799th meeting, held in private on 30 July 2003, the Security Council considered the item entitled ‘The situation in Georgia’.

“The President, with the consent of the Council, extended an invitation under rule 39 of the provisional rules of procedure of the Council to Ms. Heidi Tagliavini, Special Representative of the Secretary-General for Georgia and Head of the United Nations Observer Mission in Georgia.

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<sup>319</sup> See S/2001/59, annex II.

“The President, with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion of the item without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

“The members of the Council heard a briefing by Ms. Tagliavini.

“The members of the Council, Ms. Tagliavini and the representative of Georgia had a constructive exchange of views.”

At its 4800th meeting, on 30 July 2003, the Council decided to invite the representative of Georgia to participate, without vote, in the discussion of the item entitled:

“The situation in Georgia

“Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2003/751)”.

**Resolution 1494 (2003)  
of 30 July 2003**

*The Security Council,*

*Recalling* all its relevant resolutions, in particular resolution 1462 (2003) of 30 January 2003,

*Having considered* the report of the Secretary-General of 21 July 2003,<sup>320</sup>

*Recalling* the conclusions of the summits of the Organization for Security and Cooperation in Europe held in Lisbon in December 1996<sup>314</sup> and in Istanbul on 18 and 19 November 1999, regarding the situation in Abkhazia, Georgia,

*Recalling also* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,<sup>315</sup>

*Deploring* that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia on 8 October 2001, which resulted in the death of the nine people on board, have still not been identified,

*Stressing* that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

*Welcoming*, however, the positive momentum given to the United Nations-led peace process by the two high-level meetings of the Group of Friends of the Secretary-General in Geneva and the subsequent meeting of the Presidents of Georgia and the Russian Federation in Sochi, Russian Federation,

*Welcoming also* the important contributions made by the Mission and the collective peacekeeping force of the Commonwealth of Independent States in stabilizing the situation in the zone of conflict, and stressing its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 21 July 2003;<sup>320</sup>
2. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;
3. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the Secretary-General and the Organization for

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<sup>320</sup> S/2003/751.

Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

4. *Stresses, in particular, its strong support* for the document on “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends of the Secretary-General;

5. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of that document, again strongly urges the Abkhaz side to receive the document and its letter of transmittal, urges both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and urges those having influence with the parties to promote this outcome;

6. *Regrets* the lack of progress on the initiation of political status negotiations, and recalls once again that the purpose of those documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

7. *Underlines further* the fact that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

8. *Welcomes* the convening of two meetings of senior representatives of the Group of Friends of the Secretary-General in Geneva, and particularly welcomes the participation in a positive spirit of representatives of the two parties at the second meeting;

9. *Welcomes also* the identification at the first Geneva meeting of three sets of issues as key to advancing the peace process (economic cooperation, the return of internally displaced persons and refugees, and political and security matters) and the following work on the substance of those issues, including in bilateral working groups by the Russian Federation and Georgia as agreed by the two Presidents at their meeting in Sochi on 6 and 7 March 2003, and also at the initial high-level meeting of the parties on 15 July 2003, chaired by the Special Representative of the Secretary-General and with the participation of the Group of Friends of the Secretary-General;

10. *Welcomes further* the commitment of the parties to continue their dialogue on economic cooperation, refugee returns and political and security matters regularly and in a structured manner and their agreement to join the Group of Friends of the Secretary-General again towards the end of the year to review progress and explore future steps, and encourages them to act upon that commitment;

11. *Calls upon* the parties to spare no efforts to overcome their ongoing mutual mistrust;

12. *Calls again upon* the parties to ensure the necessary revitalization of the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the third meeting on confidence-building measures between the Georgian and Abkhaz sides, held in Yalta, Ukraine, on 15 and 16 March 2001,<sup>317</sup> to implement the proposals agreed on that occasion in a purposeful and cooperative manner, and to consider holding a fourth conference on confidence-building measures;

13. *Reminds* all concerned to refrain from any action that might impede the peace process;

14. *Stresses* the urgent need for progress on the question of refugees and internally displaced persons, calls upon both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with the United Nations Observer Mission in Georgia and in consultation with the Office of the United Nations High Commissioner for Refugees and the Group of Friends of the Secretary-General, recalls the understanding reached in Sochi by Georgia and the Russian Federation that the reopening of the Sochi–Tbilisi railway will be undertaken in parallel with the return of refugees and displaced persons, starting in the Gali district, reaffirms the unacceptability of the demographic changes



resulting from the conflict, and reaffirms also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994<sup>318</sup> and the Yalta Declaration;<sup>317</sup>

15. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and requests further measures to be undertaken, inter alia, by the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs of the Secretariat to create conditions conducive to the return of refugees and internally displaced persons, including through quick-impact projects, to develop their skills and to increase their self-reliance, with full respect for their inalienable right to return to their homes in secure and dignified conditions;

16. *Welcomes* the positive consideration given by the parties to the recommendations of the joint assessment mission to the Gali district,<sup>319</sup> urges them once again to implement those recommendations, and in particular calls upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

17. *Endorses* the recommendations of the Secretary-General in his report of 21 July 2003 that a civilian police component of twenty officers be added to the Mission to strengthen its capacity to carry out its mandate and in particular contribute to the creation of conditions conducive to the safe and dignified return of internally displaced persons and refugees,<sup>321</sup> and welcomes the commitment of the parties to implement the recommendations of the security assessment mission of October to December 2002;

18. *Calls in particular upon* the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

19. *Condemns* any violations of the provisions of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;<sup>316</sup>

20. *Calls upon* both parties publicly to dissociate themselves from militant rhetoric and demonstrations of support for military options and for the activities of illegal armed groups, and encourages the Georgian side in particular to continue its efforts to put an end to the activities of illegal armed groups;

21. *Welcomes* the relative calm in the Kodori Valley and the intention reaffirmed by the parties to resolve the situation peacefully, recalls its strong support for the protocol signed by the two sides on 2 April 2002 regarding the situation in the Kodori Valley, calls upon both sides, and in particular the Georgian side, to continue to fully implement this protocol, and recognizes the legitimate security concerns of the civilian populations in the area, calls upon the political leaders in Tbilisi and Sukhumi to observe security agreements, and calls upon both sides to spare no efforts to agree on a mutually acceptable arrangement for security of the population in, and in the vicinity of, the Kodori Valley;

22. *Strongly condemns*, however, the abduction of four Mission personnel on 5 June 2003, which is the sixth hostage-taking since the establishment of the Mission, deeply deplores that none of the perpetrators have ever been identified or brought to justice, and supports the call of the Secretary-General that this impunity must end;

23. *Welcomes* the additional safeguards for helicopter flights instituted in response to the shooting down of a helicopter of the Mission on 8 October 2001, calls once again upon the parties

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<sup>321</sup> Ibid., para. 30.

to take all necessary steps to identify those responsible for the incident, to bring them to justice, and to inform the Special Representative of the Secretary-General on the implementation of these steps;

24. *Calls upon* the Georgian side to continue to improve security for joint patrols of the Mission and the collective peacekeeping force of the Commonwealth of Independent States in the Kodori Valley to enable them to monitor the situation independently and regularly;

25. *Underlines* the fact that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of the Mission, the collective peacekeeping force and other international personnel;

26. *Welcomes* the constant review by the Mission of its security arrangements in order to ensure the highest possible level of security for its staff;

27. *Decides* to extend the mandate of the Mission for a new period terminating on 31 January 2004, subject to a review, as appropriate, of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force;

28. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia;

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

*Adopted unanimously at the 4800th meeting.*

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## THE SITUATION CONCERNING WESTERN SAHARA<sup>322</sup>

### Decision

At its 4698th meeting, on 30 January 2003, the Security Council considered the item entitled:

“The situation concerning Western Sahara

“Report of the Secretary-General on the situation concerning Western Sahara (S/2003/59)”.

### Resolution 1463 (2003) of 30 January 2003

*The Security Council,*

*Reaffirming* all its previous resolutions on Western Sahara, in particular resolution 1429 (2002) of 30 July 2002,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 March 2003 in order to give the parties time to consider the proposal presented to them by the Personal Envoy of the Secretary-General;

2. *Requests* the Secretary-General to provide a report on the situation by 17 March 2003;

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

*Adopted unanimously at the 4698th meeting.*

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<sup>322</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1975, 1988 and 1990 to 2001 and during the period from 1 January to 31 July 2002.

### Decisions

On 18 February 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>323</sup>

“I have the honour to inform you that your letter dated 13 February 2003 concerning your intention to add Croatia, Mongolia and Sri Lanka to the list of countries providing military personnel to the United Nations Mission for the Referendum in Western Sahara<sup>324</sup> has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.”

At its 4725th meeting, on 25 March 2003, the Council considered the item entitled:

“The situation concerning Western Sahara

“Letter dated 19 March 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/341)”.

### Resolution 1469 (2003) of 25 March 2003

*The Security Council,*

*Reaffirming* all its previous resolutions on Western Sahara, in particular resolution 1429 (2002) of 30 July 2002,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 May 2003;
2. *Requests* the Secretary-General to provide a report on the situation by 19 May 2003 as proposed by the Secretary-General in his letter dated 19 March 2003 addressed to the President of the Security Council;<sup>325</sup>
3. *Decides* to remain seized of the matter.

*Adopted unanimously at the 4725th meeting.*

### Decision

At its 4765th meeting, on 30 May 2003, the Security Council considered the item entitled:

“The situation concerning Western Sahara

“Report of the Secretary-General on the situation concerning Western Sahara (S/2003/565 and Corr.1)”.

### Resolution 1485 (2003) of 30 May 2003

*The Security Council,*

*Recalling* all its resolutions on Western Sahara, in particular resolution 1429 (2002) of 30 July 2002,

*Taking note* of the report of the Secretary-General of 23 May 2003,<sup>326</sup>

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<sup>323</sup> S/2003/193.

<sup>324</sup> S/2003/192.

<sup>325</sup> S/2003/341.

<sup>326</sup> S/2003/565 and Corr.1.

*Commending* the work of the Special Representative of the Secretary-General for Western Sahara, including his efforts to resolve the pending humanitarian issues related to the conflict and to implement Office of the United Nations High Commissioner for Refugees confidence-building measures,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 July 2003 in order to consider further the report of the Secretary-General;<sup>326</sup>

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

*Adopted unanimously at the 4765th meeting.*

### **Decision**

At its 4801st meeting, on 31 July 2003, the Security Council considered the item entitled:

“The situation concerning Western Sahara

“Report of the Secretary-General on the situation concerning Western Sahara (S/2003/565 and Corr.1)”.

### **Resolution 1495 (2003) of 31 July 2003**

*The Security Council,*

*Recalling* all its resolutions on the question of Western Sahara, and reaffirming in particular resolution 1429 (2002) of 30 July 2002,

*Stressing* that, in view of the lack of progress in the settlement of the dispute over Western Sahara, a political solution is critically needed,

*Concerned* that this lack of progress continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region,

*Reaffirming its commitment* to assist the parties to achieve a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the purposes and principles of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect,

*Commending* the parties for their continuing commitment to the ceasefire, and welcoming the essential contribution which the United Nations Mission for the Referendum in Western Sahara is making in that regard,

*Having considered* the report of the Secretary-General of 23 May 2003<sup>326</sup> and the peace plan for self-determination of the people of Western Sahara presented by his Personal Envoy,<sup>327</sup> as well as the responses of the parties and the neighbouring States,<sup>328</sup>

*Acting* under Chapter VI of the Charter,

1. *Continues to support strongly* the efforts of the Secretary-General and his Personal Envoy, and similarly supports their peace plan for self-determination of the people of Western Sahara<sup>327</sup> as an optimum political solution on the basis of agreement between the two parties;

2. *Calls upon* the parties to work with the United Nations and with each other towards acceptance and implementation of the peace plan;

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<sup>327</sup> Ibid., annex II.

<sup>328</sup> Ibid., annex III.

3. *Calls upon* all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;
4. *Reaffirms its call* upon the Frente Popular para la Liberación de Saguía El-Hamra y de Río de Oro to release without further delay all remaining prisoners of war in compliance with international humanitarian law, and its call upon Morocco and the Frente Popular para la Liberación de Saguía El-Hamra y de Río de Oro to continue to cooperate with the International Committee of the Red Cross to resolve the fate of persons who are unaccounted for since the beginning of the conflict;
5. *Reiterates its call* upon the parties to collaborate with the Office of the United Nations High Commissioner for Refugees in the implementation of confidence-building measures, and continues to urge the international community to provide generous support to the Office of the High Commissioner and the World Food Programme in order to help them to overcome the deteriorating food situation among the refugees;
6. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 October 2003;
7. *Requests* that the Secretary-General submit a report on the situation, before the end of the present mandate, that contains information on progress made in the implementation of the present resolution;
8. *Decides* to remain seized of the matter.

*Adopted unanimously at the 4801st meeting.*

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## GENERAL ISSUES RELATING TO SANCTIONS<sup>329</sup>

### Decisions

At its 4713th meeting, on 25 February 2003, the Security Council decided to invite the representative of Sweden to participate, without vote, in the discussion of the item entitled "General issues relating to sanctions".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Danilo Türk, Assistant Secretary-General for Political Affairs.

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## COMMUNICATION CONCERNING STANDBY ARRANGEMENTS FOR PEACEKEEPING

### Decision

On 7 March 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>330</sup>

"I have the honour to inform you that your letter dated 4 March 2003 concerning the reporting on the progress of the arrangements for standby units and resources<sup>331</sup> has been

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<sup>329</sup> Resolutions or decisions on this question were also adopted by the Security Council in 2000 and 2001.

<sup>330</sup> S/2003/285.

<sup>331</sup> S/2003/284.

brought to the attention of the members of the Security Council, who have agreed to your proposal to consolidate the reporting in the annual report to the Special Committee on Peacekeeping Operations.”

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**PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS AND MERCENARY  
ACTIVITIES: THREATS TO PEACE AND SECURITY IN WEST AFRICA**

**Decisions**

At its 4720th meeting, on 18 March 2003, the Security Council decided to invite the representatives of Benin, Burkina Faso, the Gambia, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo to participate, without vote, in the discussion of the item entitled “Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Said Djinnit, Interim Commissioner for Peace, Security and Political Affairs of the African Union, Mr. Nana Effah-Apenteng, representative of the current Chairman of the Economic Community of West African States, Mr. Mohamed Ibn Chambas, Executive Secretary of the Economic Community of West African States, and Mr. Ibrahima Sall, Regional Director, Programme for Coordination and Assistance for Security and Development of the United Nations Development Programme.

Upon resumption of the meeting, on 18 March 2003, the Council further decided to invite the representative of Côte d’Ivoire to participate, without vote, in the discussion of the item.

**Resolution 1467 (2003)  
of 18 March 2003**

*The Security Council*

*Decides* to adopt the attached declaration on the item entitled “Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa”.

*Adopted unanimously at the 4720th meeting.*

**Annex**

The Security Council expresses its profound concern at the impact of the proliferation of small arms and light weapons, as well as mercenary activities, on peace and security in West Africa. These contribute to serious violations of human rights and international humanitarian law, which the Council condemns. The Council requests States of the subregion to ensure that relevant measures adopted at the national, regional and international levels to combat these problems are put into effect.

The Council calls upon the States of the subregion to strengthen the measures adopted and to consider other appropriate steps, taking into account the recommendations emanating from this workshop. The Council also emphasizes the need for the States of the subregion to strengthen their cooperation in order to identify individuals and entities that engage illegally in trafficking in small arms and light weapons and provide support for mercenary activities in West Africa.

The Council acknowledges the need to involve national commissions or national committees and other relevant local structures, including civil society, more fully in the practical

implementation of the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons, adopted by the Economic Community of West African States on 31 October 1998,<sup>332</sup> and of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>333</sup> adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

The Council calls upon the States of West Africa to consider the following recommendations that might contribute to the more effective implementation of the Moratorium:

(a) Broadening the Moratorium to include an information-exchange mechanism for all types of small arms procured by members of the Economic Community of West African States as well as for arms transfers by supplier countries;

(b) Enhancement of transparency in armaments, including through the establishment of an Economic Community of West African States register that would record national inventories of small arms and light weapons;

(c) Strengthening national commissions set up to oversee implementation of the Moratorium, in terms of staffing and equipment, and developing national plans of action;

(d) Taking necessary measures to build the capacity of the secretariat of the Economic Community of West African States;

(e) Computerization of aircraft registration lists to ensure better monitoring of airspace, in accordance with the provisions of the Convention on International Civil Aviation, signed at Chicago, United States of America, on 7 December 1944;

(f) Introduction of a standardized end-user certificate for imported weapons.

The Council expresses concern at the serious violations of the arms embargoes in West Africa and calls upon Member States to comply fully with the relevant resolutions of the Council.

The Council expresses its concern at links between mercenary activities, illicit arms trafficking and the violation of arms embargoes, which help to foster and prolong conflicts in West Africa.

The Council emphasizes the need to make peoples and entities of the subregion aware of the danger and the consequences of the illicit trade in small arms and light weapons and of mercenary activities.

The Council encourages all members of the Economic Community of West African States, especially those most affected by the illicit trade in small arms and light weapons, to submit, as did other States, national reports to the Secretary-General on actions undertaken to implement the Programme of Action, in advance of the 2003 biennial review meeting.

The Council appeals to the donor community to assist States of the subregion in implementing and strengthening measures relating to the proliferation of small arms and light weapons and mercenary activities.

The Council calls upon relevant parties to conflicts in West Africa to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations, and of including such measures in the text of negotiated agreements, as well as specific measures for the collection and disposal of illicit and/or surplus small arms.

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<sup>332</sup> S/1998/1194, annex.

<sup>333</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

The Council calls upon all States in the subregion to cease military support for armed groups in neighbouring countries and to take action to prevent armed individuals and groups using their territory to prepare and launch attacks on neighbouring countries.

The Council calls upon arms-producing and exporting countries that have not yet done so to enact stringent laws, regulations and administrative procedures in order to ensure, through their implementation, more effective control over the transfer to West Africa of small arms by manufacturers, suppliers, brokers, and shipping and transit agents, including a mechanism that would facilitate the identification of illicit arms transfers, as well as careful scrutiny of end-user certificates.

The Council reiterates its call to regional and subregional organizations to develop policies, activities and advocacy for the benefit of war-affected children in their regions. In this regard, the Council welcomes the Accra Declaration and the Plan of Action adopted at the Conference on War-Affected Children in West Africa, held in Accra on 27 and 28 April 2000, and the subsequent establishment of a Child Protection Unit at the secretariat of the Economic Community of West African States.

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**THE SECURITY COUNCIL AND REGIONAL ORGANIZATIONS:  
FACING THE NEW CHALLENGES TO INTERNATIONAL  
PEACE AND SECURITY**

**Decisions**

At its 4739th meeting, on 11 April 2003, the Security Council decided to invite the representative of Greece to participate, without vote, in the discussion of the item entitled “The Security Council and regional organizations: facing the new challenges to international peace and security”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. César Gaviria, Secretary General of the Organization of American States, Mr. Fholisani Sydney Mufamadi, representative of the presidency of the African Union and Minister for Provincial and Local Government of South Africa, Mr. Amre Moussa, Secretary-General of the League of Arab States, Mr. Jan Kubis, Secretary-General of the Organization for Security and Cooperation in Europe, and Mr. Mohamed Ibn Chambas, Executive Secretary of the Economic Community of West African States.

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**THE ROLE OF THE SECURITY COUNCIL  
IN THE PACIFIC SETTLEMENT OF DISPUTES**

**Decisions**

At its 4753rd meeting, on 13 May 2003, the Security Council decided to invite the representatives of Azerbaijan, Colombia, Ethiopia, Greece, Honduras, India and Indonesia to participate, without vote, in the discussion of the item entitled “The role of the Security Council in the pacific settlement of disputes”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Brian Urquhart, former Under-Secretary-General for Political Affairs, Mr. Jamsheed



Marker, former Personal Representative of the Secretary-General for East Timor, and Mr. Nabil Elaraby, Judge of the International Court of Justice.

Upon resumption of the meeting, on 13 May 2003, the Council further decided to invite the representative of Armenia to participate, without vote, in the discussion of the item.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>334</sup>

“The Security Council, guided by the purposes and principles of the Charter of the United Nations, reaffirms its commitment to maintain international peace and security through effective collective measures for the prevention and removal of threats to the peace or other breaches of the peace and to bring about, by peaceful means and in conformity with the principles of justice and international law, the adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

“The Council recognizes that the United Nations and its organs can play an important role in preventing disputes arising between parties, in preventing existing disputes escalating into conflicts and in containing and resolving the conflicts when they occur. The Council recalls, in this regard, the successes of the United Nations in these areas.

“The Council recalls that the Charter, particularly Chapter VI, sets forth the means and a framework for the pacific settlement of disputes.

“The Council underscores the fact that efforts to strengthen the process of the peaceful settlement of disputes should be continued and made more effective.

“The Council reiterates its commitment to make a wider and more effective use of the procedures and means enshrined in the provisions of the Charter regarding the pacific settlement of disputes, particularly Articles 33 to 38 (Chapter VI), as one of the essential components of its work to promote and maintain international peace and security.

“The Council decides to continue to keep this item under review.”

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## THE SITUATION IN TAJIKISTAN AND ALONG THE TAJIK-AFGHAN BORDER<sup>335</sup>

### Decisions

On 13 May 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>336</sup>

“I have the honour to inform you that your letter dated 8 May 2003 concerning your intention to continue the activities of the United Nations Tajikistan Office of Peace-building for a further period of one year, until 1 June 2004,<sup>337</sup> has been brought to the attention of the members of the Security Council. They take note with appreciation of your intention and of the information contained therein.”

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<sup>334</sup> S/PRST/2003/5.

<sup>335</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years from 1993 to 2001 and during the period from 1 January to 31 July 2002.

<sup>336</sup> S/2003/543.

<sup>337</sup> S/2003/542.

UNITED NATIONS PEACEKEEPING<sup>338</sup>

**Decision**

At its 4772nd meeting, on 12 June 2003, the Security Council decided to invite the representatives of Argentina, Brazil, Canada, Cuba, the Democratic Republic of the Congo, Greece, the Islamic Republic of Iran, Jordan, Liechtenstein, Malawi, the Netherlands, New Zealand, Nigeria, Peru, South Africa, Switzerland, Trinidad and Tobago and Uruguay to participate, without vote, in the discussion of the item entitled:

“United Nations peacekeeping

“Letter dated 6 June 2003 from the Permanent Representatives of Canada, Jordan, Liechtenstein, New Zealand and Switzerland to the United Nations addressed to the President of the Security Council (S/2003/620)”.

**Resolution 1487 (2003)  
of 12 June 2003**

*The Security Council,*

*Noting* the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998 (the Rome Statute),<sup>339</sup>

*Emphasizing* the importance to international peace and security of United Nations operations,

*Noting* that not all States are parties to the Rome Statute,

*Noting also* that States parties to the Rome Statute have chosen to accept its jurisdiction in accordance with the Statute, in particular the principle of complementarity,

*Noting further* that States not party to the Rome Statute will continue to fulfil their responsibilities in their national jurisdictions in relation to international crimes,

*Determining* that operations established or authorized by the Security Council are deployed to maintain or restore international peace and security,

*Determining also* that it is in the interest of international peace and security to facilitate the ability of Member States to contribute to operations established or authorized by the Council,

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

1. *Requests*, consistent with the provisions of article 16 of the Rome Statute,<sup>339</sup> that the International Criminal Court, if a case arises involving current or former officials or personnel from a contributing State not a party to the Rome Statute over acts or omissions relating to a United Nations established or authorized operation, shall for a twelve-month period starting 1 July 2003 not commence or proceed with investigation or prosecution of any such case, unless the Security Council decides otherwise;

2. *Expresses the intention* to renew the request set out in paragraph 1 above under the same conditions each 1 July for further twelve-month periods for as long as may be necessary;

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<sup>338</sup> Resolutions or decisions on this question were also adopted by the Security Council during the period from 1 January to 31 July 2002.

<sup>339</sup> *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

3. *Decides* that Member States shall take no action inconsistent with paragraph 1 above and with their international obligations;

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

*Adopted at the 4772nd meeting  
by 12 votes to none, with 3 abstentions  
(France, Germany and Syrian Arab Republic).*

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## SECURITY COUNCIL MISSION

### Decisions

In a letter dated 5 May 2003, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to the West African subregion from 15 to 23 May 2003.<sup>340</sup>

In a letter dated 21 May 2003 the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Central Africa from 7 to 16 June 2003.<sup>341</sup>

At its 4775th meeting, on 18 June 2003, the Council decided to invite the representatives of the Democratic Republic of the Congo, Rwanda and the United Republic of Tanzania to participate, without vote, in the discussion of the item entitled:

“Security Council mission

“Report of the Security Council mission to Central Africa from 7 to 16 June 2003 (S/2003/653)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jean-Marc de La Sablière, Head of the Security Council mission to Central Africa.

At its 4785th meeting, on 9 July 2003, the Council considered the item entitled:

“Security Council mission

“Report of the Security Council mission to West Africa from 26 June to 5 July 2003 (S/2003/688)”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Sir Jeremy Greenstock, Head of the Security Council mission to West Africa, and Mr. Adolfo Aguilar Zinser, Head of the Security Council mission to Guinea-Bissau and Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone.

At its 4794th meeting, on 25 July 2003, the Council considered the item entitled:

“Security Council mission

“Report of the Security Council mission to Central Africa from 7 to 16 June 2003 (S/2003/653)

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<sup>340</sup> The letter, which was issued as a Security Council document under the symbol S/2003/525, has been reproduced on page 32 of the present volume.

<sup>341</sup> The letter, which was issued as a Security Council document under the symbol S/2003/558, has been reproduced on page 22 of the present volume.

“Report of the Security Council mission to West Africa from 26 June to 5 July 2003 (S/2003/688)”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>342</sup>

“The Security Council welcomes the recommendations made in the reports of its mission to Central Africa undertaken from 7 to 16 June 2003<sup>343</sup> and its mission to West Africa undertaken from 26 June to 5 July 2003.<sup>344</sup>

“The Council endorses the recommendations which fall within its area of responsibility and wishes to see them implemented. It has already taken the relevant recommendations into account in preparing its resolution renewing and strengthening the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo.

“Where responsibility for implementation falls to others, the Council looks forward to working in partnership with them, including United Nations agencies and programmes; Governments in Central and West Africa; regional and subregional organizations, notably the Economic Community of West African States; donor countries; non-governmental organizations and civil society. The Council invites them to keep it informed of their efforts at implementation, so that the Council can support them and take any further action necessary.

“The Council emphasizes the importance of a subregional approach to issues such as small arms and light weapons, mercenaries, child soldiers and humanitarian access. It stresses that follow-up activity by the United Nations will require close cooperation and coordination throughout the United Nations system. Action in these areas should also involve the appropriate organizations, especially in West Africa.

“The Council invites the Secretary-General to follow up those recommendations which lie within his responsibility, and would be grateful for a report on progress by 30 November 2003.

“The Council recognizes that resources may be needed to implement its recommendations. Therefore it will continue to encourage donor countries in a position to do so to support such efforts, and to assist regional and subregional organizations in this respect.

“The Council intends to review progress in implementing the recommendations, in December 2003.”

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<sup>342</sup> S/PRST/2003/12.

<sup>343</sup> S/2003/653.

<sup>344</sup> S/2003/688.

*Part II. Other matters considered by the Security Council*

**INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994<sup>345</sup>**

**Decision**

At its 4601st meeting, on 14 August 2002, the Security Council considered the item entitled “International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994”.

**Resolution 1431 (2002)  
of 14 August 2002**

*The Security Council,*

*Reaffirming* its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000 and 1411 (2002) of 17 May 2002,

*Having considered* the letter dated 14 September 2001 from the Secretary-General addressed to the President of the Security Council<sup>346</sup> and the letter annexed thereto dated 9 July 2001 from the President of the International Tribunal for Rwanda addressed to the Secretary-General,

*Having considered also* the letter dated 4 March 2002 from the Secretary-General addressed to the President of the Security Council<sup>347</sup> and the letter annexed thereto dated 6 February 2002 from the President of the International Tribunal for Rwanda addressed to the Secretary-General,

*Convinced* of the need to establish a pool of ad litem judges in the International Tribunal for Rwanda in order to enable it to expedite the conclusion of its work at the earliest possible date, and determined to follow closely the progress of the operation of the Tribunal,

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

1. *Decides* to establish a pool of ad litem judges in the International Tribunal for Rwanda, and to this end decides to amend articles 11, 12 and 13 of the statute of the Tribunal and to replace those articles with the provisions set out in annex I to the present resolution, and decides also to amend articles 13 bis and 14 of the statute of the International Tribunal for the Former Yugoslavia and to replace those articles with the provisions set out in annex II to the present resolution;

2. *Requests* the Secretary-General to make practical arrangements for the election as soon as possible of eighteen ad litem judges in accordance with article 12 ter of the statute of the International Tribunal for Rwanda, and for the timely provision to the Tribunal of personnel and facilities, in particular, for the ad litem judges and related offices of the Prosecutor, and also requests him to keep the Security Council closely informed of progress in this regard;

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<sup>345</sup> Resolutions and decisions on this question were also adopted by the Security Council in 1998, 1999, 2000 and 2001.

<sup>346</sup> S/2001/764 and Corr. I.

<sup>347</sup> S/2002/241.

3. *Urges* all States to cooperate fully with the International Tribunal for Rwanda and its organs in accordance with their obligations under resolution 955 (1994) and the statute of the Tribunal;

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

*Adopted unanimously at the 4601st meeting.*

## **Annex I**

### **Amendments to the statute of the International Tribunal for Rwanda**

Replace articles 11, 12 and 13 by the following:

#### **Article 11**

##### **Composition of the Chambers**

1. The Chambers shall be composed of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of four ad litem independent judges appointed in accordance with article 12 ter paragraph 2 of the present statute, no two of whom may be nationals of the same State.

2. Three permanent judges and a maximum at any one time of four ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present statute and shall render judgement in accordance with the same rules.

3. Seven of the permanent judges shall be members of the Appeals Chamber. The Appeals Chamber shall, for each appeal, be composed of five of its members.

4. A person who for the purposes of membership of the Chambers of the International Tribunal for Rwanda could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.

#### **Article 12**

##### **Qualifications of judges**

The permanent and ad litem judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

#### **Article 12 bis**

##### **Election of permanent judges**

1. Eleven of the permanent judges of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for permanent judges of the International Tribunal for Rwanda from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in article 12 of the present statute, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a permanent judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory

of the Former Yugoslavia since 1991 (hereinafter referred to as “the International Tribunal for the Former Yugoslavia”) in accordance with article 13 bis of the statute of that Tribunal;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-two and not more than thirty-three candidates, taking due account of the adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect eleven permanent judges of the International Tribunal for Rwanda. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

2. In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 12 of the present statute, for the remainder of the term of office concerned.

3. The permanent judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the permanent judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

#### **Article 12 ter**

##### **Election and appointment of ad litem judges**

1. The ad litem judges of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for ad litem judges of the International Tribunal for Rwanda from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to four candidates meeting the qualifications set out in article 12 of the present statute, taking into account the importance of a fair representation of female and male candidates;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than thirty-six candidates, taking due account of the adequate representation of the principal legal systems of the world and bearing in mind the importance of equitable geographical distribution;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the eighteen ad litem judges of the International Tribunal for Rwanda. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected;

(e) The ad litem judges shall be elected for a term of four years. They shall not be eligible for re-election.

2. During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal for Rwanda, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. When requesting the appointment of any particular ad litem judge, the President of the International Tribunal for Rwanda shall bear in mind the criteria set out in article 12 of the present statute regarding the composition of the Chambers and sections of the Trial Chambers, the considerations set out in

paragraphs 1 (b) and (c) above and the number of votes the ad litem judge received in the General Assembly.

**Article 12 quater**  
**Status of ad litem judges**

1. During the period in which they are appointed to serve in the International Tribunal for Rwanda, ad litem judges shall:

(a) Benefit from the same terms and conditions of service *mutatis mutandis* as the permanent judges of the International Tribunal for Rwanda;

(b) Enjoy, subject to paragraph 2 below, the same powers as the permanent judges of the International Tribunal for Rwanda;

(c) Enjoy the privileges and immunities, exemptions and facilities of a permanent judge of the International Tribunal for Rwanda.

2. During the period in which they are appointed to serve in the International Tribunal for Rwanda, ad litem judges shall not:

(a) Be eligible for election as, or to vote in the election of, the President of the International Tribunal for Rwanda or the Presiding Judge of a Trial Chamber pursuant to article 13 of the present statute;

(b) Have power:

(i) To adopt rules of procedure and evidence pursuant to article 14 of the present statute. They shall, however, be consulted before the adoption of those rules;

(ii) To review an indictment pursuant to article 18 of the present statute;

(iii) To consult with the President of the International Tribunal for Rwanda in relation to the assignment of judges pursuant to article 13 of the present statute or in relation to a pardon or commutation of sentence pursuant to article 27 of the present statute;

(iv) To adjudicate in pre-trial proceedings.

**Article 13**  
**Officers and members of the Chambers**

1. The permanent judges of the International Tribunal for Rwanda shall elect a President from amongst their number.

2. The President of the International Tribunal for Rwanda shall be a member of one of its Trial Chambers.

3. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign two of the permanent judges elected or appointed in accordance with article 12 bis of the present statute to be members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia and eight to the Trial Chambers of the International Tribunal for Rwanda.

4. The members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

5. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign such ad litem judges as may from time to time be appointed to serve in the International Tribunal for Rwanda to the Trial Chambers.

6. A judge shall serve only in the Chamber to which he or she was assigned.



7. The permanent judges of each Trial Chamber shall elect a Presiding Judge from amongst their number, who shall oversee the work of that Trial Chamber as a whole.

## **Annex II**

### **Amendments to the statute of the International Tribunal for the Former Yugoslavia**

Replace articles 13 bis and 14 by the following:

#### **Article 13 bis**

##### **Election of permanent judges**

1. Fourteen of the permanent judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in article 13 of the statute, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a permanent judge of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (hereinafter referred to as “the International Tribunal for Rwanda”) in accordance with article 12 bis of the statute of that Tribunal;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-eight and not more than forty-two candidates, taking due account of the adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect fourteen permanent judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

2. In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the statute, for the remainder of the term of office concerned.

3. The permanent judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election.

#### **Article 14**

##### **Officers and members of the Chambers**

1. The permanent judges of the International Tribunal shall elect a President from amongst their number.

2. The President of the International Tribunal shall be a member of the Appeals Chamber and shall preside over its proceedings.

3. After consultation with the permanent judges of the International Tribunal, the President shall assign four of the permanent judges elected or appointed in accordance with article 13 bis of the statute to the Appeals Chamber and nine to the Trial Chambers.
4. Two of the permanent judges of the International Tribunal for Rwanda elected or appointed in accordance with article 12 bis of the statute of that Tribunal shall be assigned by the President of that Tribunal, in consultation with the President of the International Tribunal, to be members of the Appeals Chamber and permanent judges of the International Tribunal.
5. After consultation with the permanent judges of the International Tribunal, the President shall assign such ad litem judges as may from time to time be appointed to serve in the International Tribunal to the Trial Chambers.
6. A judge shall serve only in the Chamber to which he or she was assigned.
7. The permanent judges of each Trial Chamber shall elect a Presiding Judge from amongst their number, who shall oversee the work of the Trial Chamber as a whole.

### Decisions

At its 4621st meeting, on 11 October 2002, the Security Council considered the item entitled:

“International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

“Letter dated 26 September 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1106)”.

Following the decision taken at the 4621st meeting, the President of the Security Council addressed the following letter to the Secretary-General:<sup>348</sup>

“I have the honour to inform you that your letter dated 26 September 2002, by which you forwarded to the Security Council the seventeen nominations for permanent judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the period specified in article 12 bis, paragraph 1 (b), of the statute of the Tribunal,<sup>349</sup> has been brought to the attention of the Security Council.

“The Council took note of the information contained in your letter and has decided to extend the deadline for the nomination of permanent judges for the Tribunal until 15 November 2002.

“I should be grateful if you would inform States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters accordingly.”

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<sup>348</sup> S/2002/1131.

<sup>349</sup> S/2002/1106.

At its 4666th meeting, on 13 December 2002, the Council decided to invite the representative of Rwanda to participate, without vote, in the discussion of the item entitled:

“International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

“Establishment of the list of candidates for judges on the International Tribunal for Rwanda”.

**Resolution 1449 (2002)  
of 13 December 2002**

*The Security Council,*

*Recalling* its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002 and 1431 (2002) of 14 August 2002,

*Having considered* the nominations for permanent judges of the International Tribunal for Rwanda received by the Secretary-General,

*Forwards* the following nominations to the General Assembly in accordance with article 12 bis, paragraph 1 (d), of the statute of the International Tribunal:

Mr. Mansoor Ahmed (Pakistan)  
Mr. Teimuraz Bakradze (Georgia)  
Mr. Kocou Arsène Capo-Chichi (Benin)  
Mr. Frederick Mwela Chomba (Zambia)  
Mr. Pavel Dolenc (Slovenia)  
Mr. Sergei Alekseevich Egorov (Russian Federation)  
Mr. Robert Fremr (Czech Republic)  
Mr. Asoka de Zoysa Gunawardana (Sri Lanka)  
Mr. Mehmet Güney (Turkey)  
Mr. Michel Mahoué (Cameroon)  
Mr. Winston Churchill Matanzima Maqutu (Lesotho)  
Mr. Erik Møse (Norway)  
Ms. Arlette Ramaroson (Madagascar)  
Mr. Jai Ram Reddy (Fiji)  
Mr. William Hussein Sekule (United Republic of Tanzania)  
Mr. Emile Francis Short (Ghana)  
Mr. Francis M. Ssekandi (Uganda)  
Mr. Cheick Traoré (Mali)  
Mr. Xenofon Ulianovschi (Republic of Moldova)  
Ms. Andresia Vaz (Senegal)  
Ms. Inés Mónica Weinberg de Roca (Argentina)  
Mr. Mohammed Ibrahim Werfalli (Libyan Arab Jamahiriya)  
Mr. Lloyd George Williams (Saint Kitts and Nevis)

*Adopted unanimously at the 4666th meeting.*

**Decisions**

At its 4731st meeting, on 28 March 2003, the Security Council considered the item entitled:

“International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations

Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

“Letter dated 6 March 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/290)”.

Following the decision taken at the 4731st meeting, the President of the Security Council addressed the following letter to the Secretary-General.<sup>350</sup>

“I have the honour to inform you that your letter dated 6 March 2003, by which you forwarded to the Security Council the twenty-six nominations for ad litem judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the period specified in article 12 ter, paragraph 1 (b), of the statute of the Tribunal,<sup>351</sup> has been brought to the attention of the Security Council.

“The Council took note of the information contained in your letter and has decided to extend the deadline for the nomination of ad litem judges for the Tribunal until 15 April 2003.

“I should be grateful if you would inform States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters accordingly.”

At its 4745th meeting, on 29 April 2003, the Council considered the item entitled:

“International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

“Letter dated 21 April 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/467)”.

**Resolution 1477 (2003)  
of 29 April 2003**

*The Security Council,*

*Recalling* its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002 and 1431 (2002) of 14 August 2002,

*Having considered* the nominations for ad litem judges of the International Tribunal for Rwanda received by the Secretary-General,

*Forwards* the following nominations to the General Assembly in accordance with article 12 ter, paragraph 1 (d), of the statute of the International Tribunal:

Ms. Achta Saker Abdoul (Chad)

Mr. Aydin Sefa Akay (Turkey)

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<sup>350</sup> S/2003/382.

<sup>351</sup> S/2003/290.

Ms. Florence Rita Arrey (Cameroon)  
Mr. Abdoulaye Barry (Burkina Faso)  
Mr. Miguel Antonio Bernal (Panama)  
Ms. Solomy Balungi Bossa (Uganda)  
Mr. Robert Fremr (Czech Republic)  
Mr. Silvio Guerra Morales (Panama)  
Ms. Taghreed Hikmat (Jordan)  
Ms. Karin Hökborg (Sweden)  
Mr. Vagn Joensen (Denmark)  
Mr. Gberdao Gustave Kam (Burkina Faso)  
Mr. Joseph-Médard Kaba Kashala Katuala (Democratic Republic of the Congo)  
Ms. Engera A. Kileo (United Republic of Tanzania)  
Ms. Nathalia P. Kimaro (United Republic of Tanzania)  
Ms. Agnieszka Klonowiecka-Milart (Poland)  
Ms. Flavia Lattanzi (Italy)  
Mr. Kenneth Machin (United Kingdom of Great Britain and Northern Ireland)  
Mr. Joseph Edward Chiondo Masanche (United Republic of Tanzania)  
Mr. Patrick Matibini (Republic of Zambia)  
Mr. Edouard Ngarta Mbaïouroum (Chad)  
Mr. Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo)  
Mr. Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia)  
Mr. Lee Gacuiiga Muthoga (Kenya)  
Mr. Laurent Ngaoundi (Chad)  
Ms. Beradingar Ngonyame (Chad)  
Mr. Daniel David Ntanda Nsereko (Uganda)  
Mr. Seon Ki Park (Republic of Korea)  
Ms. Tatiana Răducanu (Republic of Moldova)  
Mr. Mparany Mamy Richard Rajohnson (Madagascar)  
Mr. Edward Mukandara K. Rutakangwa (United Republic of Tanzania)  
Mr. Emile Francis Short (Ghana)  
Mr. Albertus Henricus Joannes Swart (Netherlands)  
Mr. Xenofon Ulianovschi (Republic of Moldova)  
Ms. Aura Emérita Guerra de Villalaz (Panama)

*Adopted unanimously at the 4745th meeting.*

### **Decisions**

On 30 April 2003, the President of the Security Council addressed the following letter to the Secretary-General:<sup>352</sup>

“I have the honour to refer to your letter dated 16 April 2003<sup>353</sup>, to which you have attached, for the consideration of the members of the Security Council, a letter dated 26 March 2003 from the President of the International Tribunal for Rwanda, Judge Navanethem Pillay. In her letter, President Pillay requests extensions of the terms of office of four non-elected permanent judges of the Tribunal in order to allow them to dispose of a number of ongoing cases.

“The letter has been carefully considered by the members of the Council. As a result, I have been asked to convey to Judge Pillay, through you, the views of the members of the Council on the proposals contained in her letter.

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<sup>352</sup> S/2003/550.

<sup>353</sup> S/2003/431.

“While the members of the Council shared the view that the statute of the Tribunal and Security Council precedents allowed in principle the endorsement of the requested extensions of the terms of office of the judges, in order to authorize them to finish any cases which they may have begun, there was also the view that each request raised a different set of legal and practical issues.

“With regard to the request concerning Judge Pavel Dolenc, there was general agreement that the requested extension could be endorsed by the Council as referred to in your letter.

“In relation to Judge Yakov Arkadyevich Ostrovsky, a national of the Russian Federation, the members of the Council were aware that on 31 January 2003 the General Assembly elected Judge Sergei Alekseevich Egorov, a national of the Russian Federation, as a permanent judge of the Tribunal for a four-year term of office commencing on 25 May 2003. The members of the Council shared the view that the requested extension of the term of office of Judge Ostrovsky, as referred to in your letter, to finish the *Cyangugu* case could be endorsed on the understanding that the unique circumstances of such request justified a temporal and limited exception of article 11, paragraph 1, of the statute of the Tribunal.

“With regard to the request by President Pillay that the term of office of Judge Winston Churchill Maqutu should be extended so that he might finish the *Kajelijeli*, *Kamuhanda* and *Butare* cases, the members of the Council concluded that it was desirable that Judge Maqutu should finish the *Kajelijeli* and *Kamuhanda* cases, scheduled to be completed in December 2003. In relation to the *Butare* case, the members of the Council were of the view that the requested extension, until December 2005, was far too long. The members of the Council noted that the precedents in this area did not warrant an extension of the term of office beyond one year. Therefore, the members were not inclined to endorse this request. In this connection, the members of the Council would appreciate from Judge Pillay confirmation that it would indeed be necessary to begin the *Butare* case again, and if so, an assessment of the financial and practical consequences of the transfer of the *Butare* case to a differently constituted Trial Chamber, including the implications for the completion strategy of the Tribunal.

“With regard to the request by Judge Pillay for the extension of her term of office until the completion of the *Media* case, the members of the Council concluded that this raised a different set of issues that would require further clarification before the Council endorsed her request. The members of the Council were aware that, on 4 February 2003, she was elected a judge of the International Criminal Court by the Assembly of States Parties to the Rome Statute of the International Criminal Court and that her term of office commenced on 11 March 2003. It was the view of the members that, before the Council proceeded to consider her particular situation, the members would appreciate seeing a written undertaking from her to be fully available as a judge of the International Tribunal for Rwanda and that she would not be engaged in any substantive work as a judge of the International Criminal Court during the period of time that would be required for her to complete the *Media* case.

“Additionally, I wish to inform you that the members of the Council have asked me to seek the views and advice of the President of the International Criminal Court on this specific issue.

“Before the Council takes appropriate action on the requests for extensions of the terms of office of the four non-elected permanent judges of the Tribunal, as contained in your letter dated 16 April 2003, the members of the Council would appreciate clarification from President Pillay on the above-mentioned issues.

“Once the Council has taken appropriate action on such requests, its members would be grateful to receive quarterly reports on the progress of the cases referred to in your letter dated 16 April 2003.

“Finally, the members of the Council have asked me to express to Judge Pillay and her colleagues their continued support for the International Tribunal and their appreciation for the work which it is doing.”

At its 4760th meeting, on 19 May 2003, the Council considered the item entitled:

“International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

“Letter dated 16 April 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/431)”.

**Resolution 1482 (2003)  
of 19 May 2003**

*The Security Council,*

*Taking note* of the letter dated 16 April 2003 from the Secretary-General addressed to the President of the Security Council<sup>353</sup> attaching the letter dated 26 March 2003 from the President of the International Tribunal for Rwanda addressed to him,

*Taking note also* of the letter dated 30 April 2003 from the President of the Security Council addressed to the President of the International Criminal Court<sup>354</sup> and the reply from the Vice-President of the International Criminal Court dated 2 May 2003,<sup>355</sup> and of the letter dated 30 April 2003 from the President of the Security Council addressed to the Secretary-General<sup>352</sup> and the reply from the Secretary-General dated 8 May 2003,<sup>356</sup> to which is attached the letter addressed to him from the President of the International Tribunal for Rwanda dated 6 May 2003,

1. *Decides*, in response to the request by the Secretary-General, that:

(a) Judge Dolenc, once replaced as a member of the International Tribunal for Rwanda, finish the *Cyangugu* case which he has begun before expiry of his term of office;

(b) Judge Maqutu, once replaced as a member of the Tribunal, finish the *Kajelijeli* and *Kamuhanda* cases which he has begun before expiry of his term of office;

(c) Notwithstanding article 11, paragraph 1, of the statute of the Tribunal and on an exceptional basis, Judge Ostrovsky, once replaced as a member of the Tribunal, finish the *Cyangugu* case which he has begun before expiry of his term of office;

(d) Judge Pillay, once replaced as a member of the Tribunal, finish the *Media* case which she has begun before expiry of her term of office;

2. *Takes note*, in this regard, of the intention of the Tribunal to finish the *Cyangugu* case before the end of February 2004 and the *Kajelijeli*, *Kamuhanda* and *Media* cases before the end of December 2003;

3. *Requests* the President of the Tribunal to provide it, by 1 August 2003, 15 November 2003 and 15 January 2004, respectively, with reports on the progress of the cases referred to in paragraph 1 above.

*Adopted unanimously at the 4760th meeting.*

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<sup>354</sup> S/2003/554, annex I.

<sup>355</sup> *Ibid.*, annex II.

<sup>356</sup> S/2003/551.

### Decisions

On 23 May 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>357</sup>

“I have the honour to refer to your letter dated 16 April 2003<sup>353</sup> to which you have attached, for the consideration of the members of the Security Council, a letter dated 26 March 2003 from the President of the International Tribunal for Rwanda, Judge Navanethem Pillay. In her letter, President Pillay requested extensions of the terms of office of four non-elected permanent judges of the Tribunal in order to allow them to dispose of a number of ongoing cases.

“I also have the honour to refer to your letter dated 8 May 2003<sup>356</sup> attaching for the consideration of the members of the Council a further letter, dated 6 May 2003, from President Pillay. In her letter, President Pillay provided certain information and documentation which had been requested by the members of the Council to assist them in the further consideration of the requests contained in her letter dated 26 March 2003.

“Those letters have been carefully considered by the members of the Council. The Council has decided to accede, with one exception, to the requests that President Pillay had made in her letter dated 26 March 2003. The decision of the Council is contained in its resolution 1482 (2003) of 19 May 2003.

“As will be apparent from the text of that resolution, the Council has decided not to accede to the request by President Pillay that Judge Maqutu, once replaced as a member of the Tribunal, be authorized to finish the *Butare* case which he had begun before expiry of his term of office.

“In this connection, I have been asked to convey to President Pillay, through you, the suggestion that the Tribunal may wish to review, notably, rule 15 bis (C) of the Rules of Procedure and Evidence of the Tribunal with a view to amending it, so as to avoid the occurrence of situations in which the President of the Tribunal might be obliged to request that the term of office of a permanent judge be extended in order to allow him or her to dispose of one or more ongoing cases.”

On 2 July 2003, the President of the Security Council addressed the following letter to the Secretary-General.<sup>358</sup>

“I have the honour to inform you that your letter dated 27 June 2003 concerning the composition of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994<sup>359</sup> has been brought to the attention of the members of the Security Council.

“Having consulted the members of the Council, I concur with your intention to appoint Ms. Khalida Rachid as a permanent judge of the International Tribunal for Rwanda.”

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<sup>357</sup> S/2003/604.

<sup>358</sup> S/2003/690.

<sup>359</sup> S/2003/689.



## SECURITY COUNCIL WORKING METHODS AND PROCEDURE

### Decisions

On 27 August 2002, the President of the Security Council issued the following note:<sup>360</sup>

“With a view to establishing a coherent, inclusive and consistent practice regarding participation in private meetings of the Security Council and consultation meetings with troop-contributing countries under the terms of resolution 1353 (2001) of 13 June 2001 (annexes II.A and II.B respectively), members of the Council have decided that actors listed in annex II.B, paragraphs 3 (c) to (h), wishing to participate in a specific meeting should make a request to the President of the Council.

“Resolution 1353 (2001), annex II.B, paragraph 3, reads as follows:

‘3. The following parties will be invited to these meetings:

‘(a) Countries contributing troops, military observers or civilian police to the peacekeeping operation;

‘(b) Prospective troop-contributing countries as identified by the Secretary-General;

‘(c) Relevant United Nations bodies and agencies, when they have specific contributions to make to the issue under discussion;

‘(d) Other bodies and agencies, as observers, as appropriate;

‘(e) Countries that make special contributions, such as other civilian personnel, contributions to trust funds, logistics, equipment and facilities and other contributions, as appropriate;

‘(f) The host country or countries, as observers, as appropriate;

‘(g) The representative of a regional or subregional organization or arrangement, contributing troops, as appropriate;

‘(h) Regional organizations, as observers when not contributing troops, as appropriate’.

“On the basis of consultations with members of the Council, the President will extend an invitation, as appropriate, and instruct the Secretariat accordingly.”

On 22 November 2002, the President of the Security Council issued the following note:<sup>361</sup>

“Following informal consultations of the whole held on 19 November 2002, the members of the Security Council agreed that the newly elected members of the Council would be invited to attend the informal consultations of the whole and the formal meetings of the subsidiary bodies of the Council for the period of one month immediately preceding their term of membership, that is, with effect from 1 December. Delegations should respect the confidentiality of those discussions.

“The members of the Council also agreed that, if an incoming member would be assuming the presidency of the Council in the first two months of its term on the Council, it would be invited to attend the informal consultations of the whole for the period of two months immediately preceding its term of membership, that is, with effect from 1 November.

“The members of the Council further agreed that each of those incoming members should be represented at the level of Permanent Representative or Deputy Permanent

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<sup>360</sup> S/2002/964.

<sup>361</sup> S/2002/1276.

Representative at informal consultations of the whole and by any one member of its delegation at formal meetings of the subsidiary bodies of the Council. For that purpose, one seat will be assigned to each delegation at the side of the room.

“The chairmen of the subsidiary bodies of the Council should not otherwise deviate from Council practice with regard to attendance by incoming members without guidance from the Council.

“The present note supersedes the note by the President of the Council dated 28 February 2000.”<sup>362</sup>

On 7 January 2003, the President of the Security Council issued the following note:<sup>363</sup>

“1. Pursuant to paragraph 4 (b) of the note by the President of the Security Council dated 30 October 1998<sup>364</sup> and after consultations among the members of the Council, the Chairpersons and Vice-Chairpersons of the following sanctions committees were elected for a period ending on 31 December 2003:

*Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait*

Chairman: Mr. Gunter Pleuger (Germany)  
Vice-Chairmen: Bulgaria and Pakistan

*Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya*

Chairman: Mr. Mamady Traoré (Guinea)  
Vice-Chairmen: Bulgaria and Germany

*Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia*

Chairman: Mr Stefan Tafrov (Bulgaria)  
Vice-Chairmen: Mexico and Germany

*Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda*

Chairman: Mr. Mikhail Wehbe (Syrian Arab Republic)  
Vice-Chairmen: Guinea and Spain

*Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia*

Chairman: Mr. Munir Akram (Pakistan)  
Vice-Chairmen: Angola and Syrian Arab Republic

*Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone*

Chairman: Mr. Adolfo Aguilar Zinser (Mexico)  
Vice-Chairmen: Cameroon and Pakistan

*Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan*

Chairman: Mr. Juan Gabriel Valdés (Chile)  
Vice-Chairmen: Guinea and Spain

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<sup>362</sup> S/2000/155.

<sup>363</sup> S/2003/10.

<sup>364</sup> S/1998/1016.

“2. The Bureau of each of the above-mentioned sanctions committees will be composed as above for a term ending on 31 December 2003.”

On 7 January 2003, the President of the Security Council issued the following note:<sup>365</sup>

“Following consultations among the members of the Security Council, it has been agreed that Mr. Ismael Abraão Gaspar Martins, Permanent Representative of Angola to the United Nations, will serve as Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, established pursuant to the note by the President of the Security Council dated 1 March 2002,<sup>366</sup> for a period ending on 1 March 2003.”

On 7 January 2003, the President of the Security Council issued the following note:<sup>367</sup>

“Following consultations among the members of the Security Council, it has been agreed that Mr. Cristián Maquieira, Deputy Permanent Representative of Chile to the United Nations, will serve as Chairman of the Security Council Working Group of the Whole on United Nations Peacekeeping Operations, established pursuant to the statement made by the President of the Security Council at the 4270th meeting of the Council, held on 31 January 2001,<sup>368</sup> for a period ending on 31 December 2003.”

On 8 January 2003, the President of the Security Council issued the following note:<sup>369</sup>

*“Security Council Committee established pursuant to resolution 1373 (2001) – Threats to international peace and security caused by terrorist acts*

“1. Pursuant to Security Council resolution 1373 (2001) of 28 September 2001 and following consultations among the members of the Council, it was agreed to elect the following Vice-Chairmen of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism:

Mr. Ismael Abraão Gaspar Martins (Angola)  
Mr. Adolfo Aguilar Zinser (Mexico)  
Mr. Sergey Lavrov (Russian Federation)

“These appointments are effective immediately.

“2. Sir Jeremy Greenstock will continue as Chairman of the Committee. Members of the Council also elected Mr. Inocencio Arias, of Spain, as the next Chairman of the Committee, to assume that position following the review of the structure and activities of the Committee, which is to take place no later than 4 April 2003.”

On 28 February 2003, the President of the Security Council issued the following note:<sup>370</sup>

*“Ad Hoc Working Group on Conflict Prevention and Resolution in Africa*

“Following consultations among the members of the Security Council, it has been agreed that the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, established on 1 March 2002<sup>366</sup> for a period of one year, will continue its work until 31 December 2003.

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<sup>365</sup> S/2003/11.

<sup>366</sup> S/2002/207.

<sup>367</sup> S/2003/12.

<sup>368</sup> S/PRST/2001/3.

<sup>369</sup> S/2003/30.

<sup>370</sup> S/2003/235.

“It has also been agreed that the current Chairman, Mr. Ismael Abraão Gaspar Martins, Permanent Representative of Angola to the United Nations, will continue to lead the work of the Working Group in accordance with its mandate outlined in document S/2002/207.”

On 19 June 2003, the President of the Security Council issued the following note:<sup>371</sup>

“Pursuant to paragraph 4 (b) of the note by the President of the Security Council dated 30 October 1998<sup>364</sup> and after consultations among the members of the Council, it has been agreed to elect Mr. Heraldo Muñoz, Permanent Representative of Chile to the United Nations, as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) for a period ending on 31 December 2003.”

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## CONSIDERATION OF THE DRAFT REPORT OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

### Decision

At its 4616th meeting, on 26 September 2002, the Security Council considered the item entitled “Consideration of the draft report of the Security Council to the General Assembly.”

The decision of the Council was reflected in the following note by the President:<sup>372</sup>

“At its 4616th meeting, held on 26 September 2002, the Security Council considered its draft report to the General Assembly covering the period from 16 June 2001 to 31 July 2002. The Council adopted the draft report without a vote.”

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## THE INTERNATIONAL COURT OF JUSTICE<sup>373</sup>

### Election of five members of the International Court of Justice

#### Decision

On 21 October 2002, the Security Council, at its 4629th meeting, and the General Assembly, at the 35th plenary meeting of its fifty-seventh session, elected five members of the International Court of Justice to fill vacancies occurring on the expiration of the terms of office of the following judges:

Mr. Carl-August Fleischhauer (Germany)  
Mr. Géza Herczegh (Hungary)  
Mr. Abdul G. Koroma (Sierra Leone)  
Mr. Shigeru Oda (Japan)  
Mr. Shi Jiuyong (China)

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<sup>371</sup> S/2003/660.

<sup>372</sup> S/2002/1068.

<sup>373</sup> Resolutions or decisions on this question were also adopted by the Security Council in 1946, 1948, 1949, 1951, 1953, 1954, 1956 to 1960, 1963, 1965, 1966, 1969, 1972, 1975, 1978, 1980 to 1982, 1984, 1985, 1987, 1989 to 1991, 1993 to 1996 and 1999 to 2001.

The following persons were elected as members of the International Court of Justice for a term of office beginning on 6 February 2003:

Mr. Abdul G. Koroma (Sierra Leone)  
Mr. Hisashi Owada (Japan)  
Mr. Shi Jiuyong (China)  
Mr. Bruno Simma (Germany)  
Mr. Peter Tomka (Slovakia)

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**INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS  
RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL  
HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE  
FORMER YUGOSLAVIA SINCE 1991**

**INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS  
RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF  
INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF  
RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND  
OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF  
NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994<sup>374</sup>**

**Decisions**

At its 4637th meeting, held in private on 29 October 2002, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

“At its 4637th meeting, held in private on 29 October 2002, the Security Council considered the item entitled:

‘International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

‘International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994’.

“The President, with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Yugoslavia to participate in the discussion of the item, without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

“In accordance with the understanding reached in the Council’s prior consultations, and in the absence of objection, the President extended invitations under rule 39 of the provisional rules of procedure of the Council to Judge Claude Jorda, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, Judge Navanethem Pillay, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of

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<sup>374</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

“The members of the Council heard informative briefings by Judge Jorda, Judge Pillay and Prosecutor Del Ponte.

“The members of the Council, the representatives invited under rule 37 of the provisional rules of procedure, Judge Jorda, Judge Pillay and Prosecutor Del Ponte had a constructive discussion.”

At its 4674th meeting, on 18 December 2002, the Council considered the item entitled:

“International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

“International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994”.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:<sup>375</sup>

“The Security Council takes note of the report of the Prosecutor of the International Tribunal for Rwanda to the Security Council of 23 July 2002,<sup>376</sup> of the letter dated 26 July 2002 from the President of the International Tribunal for Rwanda addressed to the President of the Security Council,<sup>377</sup> of the letter dated 26 July 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council enclosing the reply of the Rwandan Government to the report of the Prosecutor,<sup>378</sup> of the letter dated 8 August 2002 from the President of the International Tribunal for Rwanda addressed to the President of the Security Council enclosing a note by the International Tribunal for Rwanda on the reply of the Rwandan Government,<sup>379</sup> and of the letter dated 17 September 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council<sup>380</sup> enclosing a letter from the Association of Survivors of Rwandan Genocide.

“The Council also takes note of the letter dated 23 October 2002 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council, and of the letter dated 25 October 2002 from the Permanent

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<sup>375</sup> S/PRST/2002/39.

<sup>376</sup> S/2002/938, annex.

<sup>377</sup> S/2002/847.

<sup>378</sup> S/2002/842.

<sup>379</sup> S/2002/923.

<sup>380</sup> S/2002/1043.

Representative of Yugoslavia to the United Nations addressed to the President of the Security Council enclosing a non-paper.

“The Council reaffirms its support for the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (the Tribunals), impartial and independent bodies which contribute to the maintenance of international peace and security and to bringing justice and reconciliation to the people of the countries concerned.

“The Council recalls the mandatory obligation of all States, including the Governments of Rwanda and Yugoslavia, pursuant to its resolutions 827 (1993) of 25 May 1993 and 955 (1994) of 8 November 1994 and the statutes of the Tribunals, to cooperate fully with the Tribunals and their organs, including the duty to comply with the requests by the Tribunals for the arrest or detention of indictees and their surrender or transfer to the Tribunals, to make witnesses available to the Tribunals, and to assist with the ongoing investigations of the Tribunals.

“The Council stresses the importance it attaches to the full cooperation by all States, particularly those directly concerned, with the Tribunals.

“The Council also stresses the importance of constructive dialogue between the Tribunals and the Governments concerned to resolve any outstanding issues affecting the work of the Tribunals that arise in the course of their cooperation, but insists that such dialogue, or lack thereof, must not be used by States as an excuse for failure to discharge their obligations to cooperate fully with the Tribunals, as required by Council resolutions and the statutes of the Tribunals.

“The Council will remain seized of the matter.”

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## ITEMS RELATING TO WRAP-UP DISCUSSIONS ON THE WORK OF THE SECURITY COUNCIL<sup>381</sup>

### Decisions

At its 4677th meeting, on 20 December 2002, the Security Council considered the item entitled:

“Wrap-up discussion on the work of the Security Council for the current month

“Letter dated 19 December 2002 from the Permanent Representative of Colombia to the United Nations addressed to the President of the Security Council (S/2002/1387)”.

At its 4748th meeting, on 30 April 2003, the Council decided to invite the representatives of Brazil, Canada, Egypt, Georgia, Greece, Indonesia, Japan and South Africa to participate, without vote, in the discussion of the item entitled “Wrap-up discussion on the work of the Security Council for the current month”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Jan Kavan, President of the General Assembly and Mr. Gert Rosenthal, President of the Economic and Social Council.

At its 4766th meeting, on 30 May 2003, the Council decided to invite the representatives of Brazil, Burundi, the Congo, the Democratic Republic of the Congo, Egypt, Greece, Japan,

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<sup>381</sup> Resolutions or decisions on this question were also adopted by the Security Council in 2001 and during the period from 1 January to 31 July 2002.

Malaysia, Mauritius, the Philippines, Rwanda, South Africa, Tunisia, the United Republic of Tanzania and Uruguay to participate, without vote, in the discussion of the item entitled:

“Wrap-up discussion on the work of the Security Council for the current month

“Conflicts in Africa: Security Council missions and United Nations mechanisms to promote peace and security”.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ibrahim A. Gambari, Under-Secretary-General and Special Adviser on Africa.

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**INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS  
RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL  
HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF  
THE FORMER YUGOSLAVIA SINCE 1991<sup>382</sup>**

**Decisions**

At its 4759th meeting, on 19 May 2003, the Security Council considered the item entitled:

“International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

“Letter dated 7 May 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/530)”.

**Resolution 1481 (2003)  
of 19 May 2003**

*The Security Council,*

*Reaffirming* its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002 and 1431 (2002) of 14 August 2002,

*Having considered* the letter dated 18 March 2002 from the Secretary-General addressed to the President of the Security Council<sup>383</sup> and the letter annexed thereto dated 12 March 2002 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General,

*Having considered also* the letter dated 7 May 2003 from the Secretary-General to the President of the Security Council<sup>384</sup> and the letter annexed thereto dated 1 May 2003 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council,

*Convinced* of the advisability of enhancing the powers of ad litem judges in the International Tribunal for the Former Yugoslavia so that, during the period of their appointment to a trial, they might also adjudicate in pre-trial proceedings in other cases, should the need arise and should they be in a position to do so,

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<sup>382</sup> Resolutions or decisions on this question were also adopted by the Security Council in the years 1996, 1998, 1999, 2000 and 2001 and during the period from 1 January to 31 July 2002.

<sup>383</sup> S/2002/304.

<sup>384</sup> S/2003/530.



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

1. *Decides* to amend article 13 quater of the statute of the International Tribunal for the Former Yugoslavia and to replace that article with the provisions set out in the annex to the present resolution;<sup>385</sup>

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

*Adopted unanimously at the 4759th meeting.*

#### **Annex**

#### **Amendment to the statute of the International Tribunal for the Former Yugoslavia**

Replace article 13 quater by the following:

#### **Article 13 quater**

#### **Status of ad litem judges**

1. During the period in which they are appointed to serve in the International Tribunal, ad litem judges shall:

(a) Benefit from the same terms and conditions of service *mutatis mutandis* as the permanent judges of the International Tribunal;

(b) Enjoy, subject to paragraph 2 below, the same powers as the permanent judges of the International Tribunal;

(c) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal;

(d) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to try.

2. During the period in which they are appointed to serve in the International Tribunal, ad litem judges shall not:

(a) Be eligible for election as, or to vote in the election of, the President of the Tribunal or the Presiding Judge of a Trial Chamber pursuant to article 14 of the statute;

(b) Have power:

(i) To adopt rules of procedure and evidence pursuant to article 15 of the statute. They shall, however, be consulted before the adoption of those rules;

(ii) To review an indictment pursuant to article 19 of the statute;

(iii) To consult with the President in relation to the assignment of judges pursuant to article 14 of the statute or in relation to a pardon or commutation of sentence pursuant to article 28 of the statute.

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<sup>385</sup> Amendments to articles 13 bis and 14 of the statute were adopted pursuant to resolution 1431 (2002) of 14 August 2002 under the item entitled "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".



## **Items included in the agenda of the Security Council from 1 August 2002 to 31 July 2003 for the first time**

NOTE: The practice of the Security Council is to adopt at each meeting, on the basis of the provisional agenda circulated in advance, the agenda for that particular meeting; the agenda as adopted for each meeting held during the period from 1 August 2002 to 31 July 2003 will be found in the *Official Records of the Security Council*, 4595th to 4802nd meetings.

The following chronological list shows the meeting at which the Council decided, during that period, to include in its agenda an item that had not been inscribed previously.

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The situation in Côte d'Ivoire.....	4680th	20 December 2002
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