Chapter IV

Asia and the Pacific

In 2002, the United Nations continued to address major political and security challenges in the Asia and Pacific region, particularly in Afghanistan and Iraq. It oversaw the successful transition of East Timor into the independent State of Timor-Leste.

In Afghanistan, the United Nations provided assistance as the country moved from more than two decades of war to the beginnings of a post-Taliban stability. The peace process progressed, despite insecurity in some areas of the country and continued terrorist acts by members of the Taliban and Al-Qaeda. The power-sharing Afghan Interim Authority was replaced in June by an indirectly elected Transitional Authority, following the successful conclusion of a nationwide traditional assembly, or Loya Jirga. In March, the United Nations Assistance Mission in Afghanistan was created to assist the Afghans in the implementation of the 2001 Bonn Agreement and to begin the task of reconstruction. The International Security Assistance Force continued to maintain security in Kabul and its surrounding areas and its mandate was twice extended by the Security Council, in May and November, each time for six months. The Secretary-General visited Afghanistan and neighbouring countries in January and also attended the International Conference on Reconstruction Assistance to Afghanistan, which was held in Tokyo, Japan. The Secretary-General's Special Representative for Afghanistan, Lakhdar Brahimi, continued to coordinate UN activities in the country.

Throughout 2002, international pressure on Iraq to allow the return of UN inspectors to verify compliance with weapons-related obligations intensified. In a statement to the General Assembly on 12 September, the President of the United States, George W. Bush, demanded the disarmament of Iraq and said that the United States would work for the adoption of the necessary resolutions. On 16 September, Iraq informed the United Nations that it accepted the return of inspectors without conditions. Inspections resumed on 27 November, following the unanimous adoption of Council resolution 1441(2002), which strengthened the inspection regime and afforded Iraq a final opportunity to comply with its disarmament obligations. The resumption of inspections brought to an end the stalemate between the United Nations and Iraq that had lasted since 1998, when Iraq’s Government refused to cooperate in the implementation of Security Council resolutions concerning its weapons programmes. Iraq also began to show flexibility with regard to the repatriation or return of all Kuwaiti and third-country nationals from Iraq and on the return of all Kuwaiti property seized by Iraq during the 1990 invasion of Kuwait, though the return of Kuwaiti property remained incomplete by the end of the year. The oil-for-food programme, as modified by the goods review list, continued to address basic humanitarian needs. The Council made additional amendments to the existing list of items contained in the goods review list. The United Nations Iraq-Kuwait Observation Mission continued to monitor the demilitarized zone between the two countries.

On 20 May, the United Nations successfully concluded the transitional administration of East Timor. On that day, East Timor became an independent State and, four months later, it was admitted to the United Nations under the new official name of the Democratic Republic of Timor-Leste. The Assembly removed East Timor from the UN list of Non-Self-Governing Territories prior to its accession to independence. A constitution was adopted in March and presidential elections were held in April, which resulted in the election of Xanana Gusmão. The mandate of the United Nations Transitional Administration in East Timor was extended until 20 May in order to allow the mission to complete the handover of authority from the United Nations to Timor-Leste’s governing institutions. A post-independence peacekeeping mission—the United Nations Mission of Support in East Timor—was established in May to provide support to East Timor’s fledgling democratic institutions.

During the first half of 2002, an escalation of tensions between India and Pakistan over Kashmir brought the two countries to the brink of war and created great international anxiety. The United Nations Military Observer Group in India and Pakistan continued to monitor the situation in Jammu and Kashmir. The activities of the United Nations Tajikistan Office of Peacebuilding were extended for another year, until...
1 June 2003, in order to continue to support Tajikistan in its post-conflict peace-building efforts. The Assembly requested the Secretary-General to resume negotiations to conclude an agreement with Cambodia on the establishment of a tribunal to try Khmer Rouge leaders for crimes against humanity.

Among other concerns in the region that were brought to the attention of the United Nations were the situation in Bougainville, a province of Papua New Guinea; violations reported by Iran and Iraq of their 1988 ceasefire agreement and the 1991 agreements on the area of separation between them; the application of safeguards for nuclear material in the Democratic People’s Republic of Korea; and cooperation with the Association of South-East Asian Nations.

Afghanistan

The progress made in Afghanistan in 2002, after 23 years of war, had begun to shore up the fragile foundations of peace, but stability and national reconciliation were by no means firmly consolidated. Certain parts of the country experienced instability, while armed attacks, robberies and terrorist attacks by members of the Taliban and Al-Qaeda continued, especially outside the capital city of Kabul. Despite those threats, the peace process moved forward. The UN system carried out activities in Afghanistan throughout the year under the leadership of the Secretary-General’s Special Representative for Afghanistan, Lakhdar Brahimi (Algeria). The Secretary-General visited the region in January and held consultations with heads of State and senior officials on the political and humanitarian situation in Afghanistan. He also attended the International Conference on Reconstruction Assistance to Afghanistan (Tokyo, Japan, 21-22 January), at which participants pledged over $1.8 billion for 2002. However, only a portion of that amount had been released by the end of the year.

A landmark event on the road towards greater democratization and peace was the convening of the Emergency Loya Jirga (grand council) in June, following extensive preparations by the United Nations and the Special Independent Commission for the Convening of the Emergency Loya Jirga. The Loya Jirga elected Hamid Karzai, who until then was head of the Interim Authority, as head of State of the Transitional Authority.

In March, the Security Council endorsed the establishment of the United Nations Assistance Mission in Afghanistan (UNAMA) with the overall objective of providing support for the implementation of the 2001 Bonn Agreement [UN 2001, p. 263]. The Council, on 24 December, endorsed the Kabul Declaration on Good-Neighbourly Relations, signed on 22 December between Afghanistan and its neighbouring States. The Declaration called for the establishment of bilateral relations based on the principle of territorial integrity and non-interference.

The General Assembly organized, in November, an open-ended panel on Afghanistan, which recommended future UN activities in the post-conflict reconstruction of the country.

The International Security Assistance Force (ISAF), a multinational force established by Security Council resolution 1386(2001) [UN 2001, p. 267], achieved full operational capacity on 18 February. ISAF established good relations with Afghan governing institutions and created a relatively safe and secure environment in and around Kabul. Turkey assumed the lead nation status on 20 June, replacing the United Kingdom.

The Afghanistan Sanctions Committee’s mandate, which had originally called for the monitoring of the sanctions regime against the Taliban, was expanded by the Council to include individuals and entities associated with the Taliban, Osama bin Laden and the Al-Qaeda terrorist organization, regardless of their location. The Committee’s consolidated list remained the critical tool for implementing all sanctions measures. The Council also removed sanctions provisions against Afghan Airlines, since it was no longer owned or operated by or on behalf of the Taliban.

Situation in Afghanistan

The situation in Afghanistan in 2002 was described by the Secretary-General in three progress reports, dated 18 March [A/56/875-S/2002/278], 11 July [A/56/1000-S/2002/737] and 21 October [A/57/487-S/2002/1075], submitted in response to General Assembly resolution 56/220 A [UN 2001, p. 265]. The reports described the status of implementation of the 2001 Bonn Agreement, in particular the establishment of the Afghan Interim Authority (IA) and key commissions; political and security issues; humanitarian relief, recovery and reconstruction; developments regarding UN deployment in Afghanistan; UN mission support; and the Emergency Loya Jirga process.

Communication (January). On 15 January [A/56/776-S/2002/78], China transmitted to the Secretary-General the joint declaration signed by the Foreign Ministers of members of the
Afghanistan, and eliminating terrorism and nar-
peace, representative governance and stability in
agreed to in Bonn, with the aim of establishing
ance would be conditional on all Afghan parties
ime frame set in the Bonn Agreement. Assist-
of implementing the Bonn process, including the
Karzai. The Conference stressed the importance
ary). The Ministers, among other things, ex-
pressed support for the 2001 Bonn Agreement
States would contribute to humanitarian assist-
ance through their own delivery of aid and by
providing transport corridors for shipments by
other-counncil through the international transport
They also advocated the continuation of interna-
tional efforts under the auspices of the United
Nations and agreed to participate in projects for
the economic reconstruction of Afghanistan.

International conference on reconstruction

On 30 January [A/56/801-S/2002/134], Japan
transmitted to the Secretary-General the co-
chairs’ summary of conclusions of the Interna-
tional Conference on Reconstruction Assistance
to Afghanistan (Tokyo, 21-22 January), which
was co-chaired by Japan, Saudi Arabia, the
United States and the European Union (EU). The
Secretary-General attended and addressed the
Conference, as did the IA Chairman, Hamid
Karzai. The Conference stressed the importance
of implementing the Bonn process, including the
time frame set in the Bonn Agreement. Assist-
ance would be conditional on all Afghan parties
contributing positively to the process and goals
agreed to in Bonn, with the aim of establishing
peace, representative governance and stability in
Afghanistan, and eliminating terrorism and nar-
cotics production and trafficking.

The IA identified several key priority areas for
the reconstruction of Afghanistan, which in-
cluded the enhancement of administrative
capacity, with emphasis on the payment of sala-
ries and establishment of government adminis-
tration; education, especially for girls; health and
sanitation; infrastructure, in particular roads,
electricity and telecommunications; recon-
struction of the economic system, in particular the
currency system; and agriculture and rural
development, including food security, water
management and revitalizing the irrigation
system. The IA underscored the importance of
reviving its tradition of private entrepreneurship
as an engine of growth and emphasized the
importance of community-building. The impor-
tance of demining and assistance to war victims
and persons with disabilities were also stressed.
The IA recognized that it held primary responsi-
bility for reconstruction, though the Conference
recognized that the United Nations had to con-
tinue to play a pivotal role.

The United Nations Development Programme
(UNDP) had taken the lead in the early recovery
efforts on behalf of the UN system. Strong em-
phasis was placed on the rapid establishment of a
sound and comprehensive macroeconomic and
monetary framework. Donors pledged to provide
the necessary technical and financial assistance
to help the IA create the essential institutional
framework. The Conference also emphasized
the centrality of restoring the rights and address-
ing the needs of women, and stressed the key
role played by Afghan and international non-
governmental organizations (NGOs). An NGO
meeting on 20 January focused on education and
training, particularly for women.

In response to the vision and policies on recon-
struction presented by the IA, participants in the
Conference made pledges and contributions of
over $1.8 billion for 2002. Some donors made
multi-year pledges and commitments of various
time frames. The cumulative amount was more
than $4.5 billion. In addition, some countries of-
tered support in kind without specifying a mone-
tary value.

Security Council consideration (January). On
30 January [meeting 4461], the Security Council dis-
cussed the situation in Afghanistan. With the
Council’s consent, the President invited the IA
Chairman, Mr. Karzai, to address the Council.

Mr. Karzai said that, having experienced the
ravages of war for 23 years and been taken hostage
by a group of terrorists, Afghans were once
again free to determine their own destiny. Af-
ghanistan would strive to build a Government
that responded to the wishes of its people and be-
haved as a responsible member of the interna-
tional community. A Loya Jirga (grand council of
tribal elders usually convened to settle inter-tribal
disputes) was to take place by 22 June in order to
select a head of State and a transitional Gov-
ernment. A constitution was to be prepared dur-
ing the transitional period and ratified by a con-
stitutional Loya Jirga. On 25 January, the United
Nations had appointed a 21-member commission
to organize the Emergency Loya Jirga, thus ful-
filling one of the major provisions of the Bonn
Agreement. Mr. Karzai observed that the deploy-
ment of multinational forces in Kabul was a sign
of the continued commitment of the interna-
tional community to peace and security in Af-
ghanistan and expressed the hope that the Coun-
cil would authorize an extension and expansion
of the mandate of those forces. The IA’s goal was
to establish the rule of law and an accountable,
transparent governmental system, in addition to
an effective and competitive private sector that
would attract foreign direct investment. The IA
was also committed to taking vigorous action to
contain and eliminate the cultivation of poppy. At the same time, it hoped that its neighbours would assist in designing and implementing programmes for the orderly and gradual return of Afghan refugees.

The Council President, speaking on the Council’s behalf, expressed unqualified and unreerved support for the quest for peace, justice and stability in Afghanistan. The Council reaffirmed its commitment to supporting the IA and the transitional process and welcomed the Tokyo Conference on assistance (see p. 258), though it expressed concern about some episodes of lawlessness in the country. It also welcomed the progress made by the International Security Assistance Force (ISAF) (see p. 275) and stressed that it was for the Afghans themselves to freely determine their future. The Council would continue to support all efforts based on the Bonn Agreement, leading to the formation of a Government in Afghanistan that had to be broad-based, multi-ethnic and fully representative of all the Afghan people and committed to peace with its neighbours. It was essential for the IA and for a new Government to respect fully basic human rights, regardless of gender, ethnicity or religion. For real success to be achieved in Afghan political stabilization, the Council believed that the following two issues, among others, needed urgent attention: first, the reconciliation, reconstruction and rehabilitation process could not be derailed by any outside pressure or intervention, and secondly, the representatives of different ethnic groups within Afghanistan had to forgo their differences and invest in the reconstruction of the nation. The Council took good note of the decree banning the cultivation, production, processing, abuse and illicit trafficking of narcotics drugs, issued on 17 January by the IA, and welcomed the decree on the rights of women.

Communication of Secretary-General. On 4 February [S/2002/156], the Secretary-General informed the Council President that his Special Representative for Afghanistan, Lakhdar Brahimi, had held extensive consultations with the IA on assistance required from the United Nations to support the Bonn Agreement. He would submit a report to the Council on that subject in the second half of February. The report would contain recommendations for the establishment of a new UN assistance mission in Afghanistan, which would be an integrated mission building on existing structures and would ensure the coordination of all UN activities in the country. Meanwhile, it was essential that advance preparations be initiated so that the mission, when authorized, would have the capacity to become operational immediately and to fulfil its tasks fully and effectively. The Secretary-General intended, therefore, subject to the Council’s concurrence, to take the administrative and financial measures necessary to facilitate the establishment and support of an integrated UN mission in Afghanistan.

On 8 February [S/2002/157], the Council took note of the Secretary-General’s letter.

Security Council consideration (February and March). The Security Council discussed the situation in Afghanistan on 6 February [meeting 4469], 27 February [meeting 4479] and 13 March [meeting 4490].

On 6 February, the Secretary-General and his Special Representative for Afghanistan, Mr. Brahimi, addressed the Council.

The Secretary-General said that he had recently returned from a trip to Japan, Pakistan, Afghanistan, Iran and Qatar, during which the situation in Afghanistan was the main focus of his discussions. He was encouraged by the donations that were pledged at the Tokyo Conference (see p. 258). However, the security situation remained precarious and reconstruction would not be possible without security. In addition, without the financial resources to pay its public servants, the IA would lose credibility and would be unable to extend its authority elsewhere in the country. A key to Afghanistan’s recovery would be the support of its neighbours. The President of Pakistan was firm in his commitment to work with the IA and the United Nations; he had invited Mr. Karzai to visit Pakistan and promised to take action against any Taliban or Al-Qaeda personnel found inside his country. Iran, too, was committed to strengthening the IA’s authority. Both countries had pledged to work with each other and with Afghanistan’s other neighbours, a regional approach that had great promise. The Secretary-General intended it to be a major pillar of UN strategy in confronting challenges in Afghanistan.

Mr. Brahimi said that, since the transfer of power in Afghanistan on 22 December 2001 [YUN 2001, p. 265], the IA had been working to establish itself as the central Government. Obviously, it had encountered many obstacles, including the absence of trained personnel, the destruction of ministry premises and the lack of equipment. However, progress had been made and most ministries were starting to carry out their responsibilities. One of the most important achievements of the IA was the payment of civil service salaries as at 22 January. The contributions made to the Afghan Interim Authority Fund, administered by UNDP, were instrumental in enabling the IA to make those payments. Security remained the main preoccupation of the Afghan population and the creation of a police force and a national
army was a priority. UN relief efforts continued
to gather momentum and access to several areas
that were considered to be unsafe was improving.
Work on a more systematic assessment of needs
was also gearing up, especially with regard to as-
sessing the needs of internally displaced persons.
Insecurity, though, continued to hamper relief
efforts in many parts of the country, and it was
also continuing to have a serious impact on popu-
lation movements, both as a cause for further
placement and as a major disincentive for the
return of refugees and displaced persons. Many of the returnees had been moving to
urban areas that they considered safe, in particu-
lar Kabul and Herat, instead of going to their
areas of origin. The Special Independent Com-
mission for the Convening of the Emergency
Loya Jirga, an independent Afghan organ re-
sponsible for formulating the rules and proce-
dures for the convening and conduct of the Loya
Jirga and whose composition was announced by
Chairman Karzai on 25 January in the presence
of the Secretary-General, had confirmed its in-
tention to hold the Loya Jirga within the five-
month time frame set forth in the Bonn Agree-
ment. At the same time, the United Nations had
assisted in putting together a proposal for the re-
establishment of a civil service commission. With
regard to the new UN mission, it would be inte-
grated and would operate with a “light foot-
print”, keeping the UN presence to the minimum
required, while Afghan colleagues would be
given as much of a role as possible.

On 27 February, the Council was briefed on the
latest developments in Afghanistan by the Under-Secretary-General for Political Affairs,
Kieran Prendergast.

The Under-Secretary-General said that the
two most urgent tasks facing the IA were the func-
tioning of the Special Independent Commission
for the Convening of the Emergency Loya Jirga
and re-establishing the civil service. The Loya
Jirga Commission, constituted on 25 January and
inaugurated on 7 February, was making progress
towards formulating the rules and procedures for
the convening and conduct of the Loya Jirga. The
Commissioners, accompanied by UN staff, had
begun to undertake visits to Afghanistan’s prov-
inces, with a view to increasing awareness of the
Commission’s role and soliciting advice from the
people about how to make the Loya Jirga as rep-
resentative and as fair as possible. The United
Kingdom had provided $500,000 to cover the
Commission’s logistic and administrative costs.
However, there was legitimate fear that political
pressure on the Commission would increase as
the date for the convening of the Loya Jirga
approached. The IA had been able to pay the
salaries of public servants in January and Febru-
ary, which had allowed civil servants to return to
work and to begin performing the functions of
government. It was also working towards the
establishment of a judicial commission and a hu-
man rights commission. Another encouraging
political development was the diplomacy carried
out by Chairman Karzai and his administration.
In visits to neighbouring countries, whose
support and non-interference were critical for
the success of the Bonn process, the IA had
mended fences and forged good relations. Most
heartening had been the positive reaction to the
Bonn process by Afghans, who had been victim-
ized by war for so long.

Despite the generally positive progress on the
political front, the IA faced two major security
threats: the mobilization of rival factions in the
northern city of Mazar-e-Sharif and a battle be-
tween rival governors in the southern city of
Gardeyz. In the north, following mediation by
the IA and the United Nations, the situation had
grown calmer, but in the south, the threat of re-
newed fighting remained. Low-intensity fighting
had been reported in the Farah province among
three rival leaders jostling for power, and in Kan-
dahar some groups had actively resisted handing
over their weapons to the local government. In
Kabul, despite some breaches of security, the
crime rate had fallen and security had improved,
due, in no small part, to ISAF’s performance.
Training of the first battalion of the new Afghan
Army by ISAF had also begun. A meeting held on
13 February in Berlin, Germany, attended by
18 nations and 11 international organizations,
discussed international support for the Afghan
police force. However, ISAF authority remained
limited to Kabul, and the main threats to the IA
emanated from the provinces. There was a con-
tinuing danger, therefore, that the security appa-
ratus, both Afghan and international, would not
adequately address the security threats that were
currently discernable and likely to increase as the
convening of the Loya Jirga approached. At the
same time, the United Nations and NGOs were
continuing to solidify their presence throughout
the country, thereby increasing their ability to
reach the most vulnerable. Tajikistan had con-
firmed that an additional five border crossings
would be opened to speed up delivery of humani-
tarian assistance. Aid agencies, in collaboration
with the IA, were planning to start a programme
in early April to help those who were displaced
within Afghanistan and refugees in neighbour-
countries to return to their homes. The UN
system was putting the final touches to its plan
for a new mission, which would be called the
United Nations Assistance Mission in Afghani-
stan (UNAMA). The plan would be presented to the Security Council in the form of a Secretary-General’s report (see p. 263).

On 13 March, the Under-Secretary-General for Political Affairs again briefed the Council on the latest developments in Afghanistan.

The Under-Secretary-General said that the IA continued to face substantial challenges in trying to expand its authority throughout the country; its influence outside Kabul was limited. However, three major conferences on issues affecting the security, political and educational aspects of the country had brought important Afghan figures from the provinces to the capital, a promising sign that a process of greater engagement between Kabul and Afghanistan’s 32 provinces had begun. Advances had also been made in the field of gender equality (see p. 1149) and human rights (see p. 787). For the first time in 11 years, International Women’s Day was celebrated in Kabul and the first Afghan national workshop on human rights was convened. The Loya Jirga Commission continued to conduct extensive consultations and was working on the drafting of procedures for the convening of the Loya Jirga. With regard to the security situation, aside from the heavy fighting between coalition forces and Al-Qaeda and Taliban fighters in the south-eastern part of the country, the rest of Afghanistan remained relatively calm. However, the power of armed groups was growing, and disarmament programmes in some areas amounted to commanders disarming their enemies while rearming themselves. It was becoming more and more apparent that alternative sources of income needed to be found for the mujahedin and the large number of armed men in Afghanistan, as there was already evidence that soldiers had started to resort to crime. ISAF was conducting meetings with key commanders in Kabul and with the Ministry of Defence with a view to developing a disarmament plan, and studies had been undertaken to assess the technical aspects of a demobilization and reintegration programme. Another key problem that needed to be addressed was the payment of salaries to the Afghan armed forces, as no formal payments had been made and it was still unclear how the units trained by ISAF and the United States would be paid. Also, the persecution of Pashtuns in the northern provinces was disquieting. Refugees from the area continued to arrive at the Pakistani border. As part of a series of diplomatic initiatives to bring Afghanistan into the international community, a meeting of the “six plus two” informal group on Afghanistan—the countries bordering Afghanistan (China, Iran, Pakistan, Tajikistan, Turkmenistan, Uzbekistan) plus the Russian Federation and the United States—was held at the ambassadorial level in Kabul on 11 March. It was the first time that Afghanistan was represented and the first time that the meeting was held on Afghanistan’s territory. The group expressed its renewed commitment to supporting the IA’s efforts to establish security and peace throughout the country. It also decided to hold meetings on a monthly basis in Kabul. The IA continued to stress the importance of immediate assistance. At a meeting of the Afghanistan Support Group on 4 March, four priority areas were identified: the nutrition crisis, the return of refugees and internally displaced persons, mine action and the back-to-school programme. The Office of the United Nations High Commissioner for Refugees (UNHCR) had begun a facilitated refugee return programme from Pakistan. The total number of spontaneous and facilitated returns from Pakistan since the beginning of 2002 was between 50,000 and 70,000. More than 23,000 refugees had also returned from Iran. Assistance continued to be given to the 950,000 internally displaced persons spread throughout the country.

**Communication (15 March).** On 15 March [S/2002/283], Afghanistan and the Russian Federation transmitted to the Secretary-General the text of a joint statement issued on 12 March on the results of the visit of the head of the IA, Mr. Karzai, to Moscow. The two countries reaffirmed their determination and mutual desire to strengthen good relations and cooperation on a broad and long-term basis in the political, trade and economic, scientific-technical, cultural and other fields. In order to ensure regional security and global stability, both countries would continue bilateral and multilateral cooperation in eradicating international terrorism, extremism and illicit drug trafficking.

**Report of Secretary-General (March).** In his 18 March report on the situation in Afghanistan and its implications for international peace and security [A/56/875-S/2002/278], submitted in response to Security Council resolution 1383(2001) [YUN 2001, p. 263], General Assembly resolution 56/220 A [ibid., p. 265] and as a follow-up to his 5 December 2001 letter to the Council President [ibid., p. 263], the Secretary-General summarized the key developments in Afghanistan since the signing of the Bonn Agreement. The implementation period of the Agreement was envisaged to last for two to three years and was intended to lead to a full-fledged Government, chosen freely by the entire electorate of Afghanistan. The IA chosen at Bonn was to be succeeded by a Transitional Authority (TA), selected through an Emergency Loya Jirga that was to convene within six months of the establishment of the IA. The TA
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was to lead Afghanistan until a fully representative Government could be elected through free and fair elections, which were to be held no later than two years after the date of the convening of the Loya Jirga. A constitutional Loya Jirga to ratify a new constitution was to convene within 18 months of the IA’s establishment.

Despite formidable hurdles, the IA had managed to make progress in a number of areas. Following the Tokyo Conference (see p. 258), the IA started to prepare an interim budget, setting out rules for the formation of a budget and the payment of the salaries of central government staff. The Afghan Assistance Coordination Authority had been created and agreements in a number of sectors on both short-term priorities and long-term interventions had been reached with bilateral and multilateral parties. A back-to-school campaign was under way to ensure widespread student enrolment. The IA had also passed four major decrees since its inauguration on 22 December 2001: it cancelled all decrees and legal documents passed by previous authorities; banned the cultivation, production, processing, use and trafficking of illicit drugs; set out a framework for the press and radio and television broadcasting; and established procedures for signing contracts or agreements with the international private sector and donor and development agencies.

UNDP established the Afghanistan Interim Authority Fund immediately after the conclusion of the Bonn Agreement, in order to provide the IA with immediate cash in hand. As at 8 March, $32.3 million had been pledged to the Fund, of which $26.8 million had been received. The IA also established a working group, with United Nations assistance, to come up with a detailed list of government employees in Kabul and the provinces, as well as a mechanism for the payment of salaries. Based on the wage structure suggested by the working group, it was determined that approximately $50 million would be required to cover the salaries and related expenses of the IA for the period from January to June. Over 77,000 civil servants’ salaries had been paid from the Fund, though civil service salaries in most of the provinces had not been paid.

The United Nations assisted the IA in the planning of the Emergency Loya Jirga, which was scheduled to be held in June. The Bonn Agreement also called for the establishment of an independent Human Rights Commission and a Judicial Commission. There was a growing sense of urgency to establish those two commissions, especially since the Loya Jirga process was well under way.

The security situation remained unstable in certain parts of the country. Unlike in Kabul—where the efforts of the Afghan Interior Ministry and the presence of ISAF had pushed the crime rate down and improved stability—the situation across the rest of the country, especially outside the main towns, remained volatile and unpredictable. In general, insecurity remained the prime cause of concern for Afghans across the country for three reasons in particular: although Al-Qa’idah and Taliban forces had been routed, pockets of resistance remained; factional clashes were taking place between rival Afghan political and military actors seeking regional influence, which had led to both inter- and intra-ethnic violence; and banditry continued as a lingering manifestation of the war economy that had developed over the past two decades in the absence of proper security and a system of enforceable law. The Secretary-General stressed that the struggle against terrorism in Afghanistan was not over, as demonstrated by the renewed fighting that flared up in March between coalition forces and a group of Al-Qa’idah and Taliban fighters in the south-eastern region of the country. While the vast majority of Afghans were united in their desire to eradicate terrorism from their country, the collapse of the Taliban regime had precipitated struggles for power both within the IA and in the regions. In the south, factional fighting was mostly intra-ethnic, while in the north, clashes had been reported between ethnic groups. The Secretary-General expressed concern, in particular, about reports in the north of the harassment of Pashtuns by other ethnic groups, which had led to a flow of refugees towards Pakistan. He stressed that there was a need for an active effort on the part of the Afghan leaders to bring their more reluctant peers into the political process and to become personally involved in ensuring the investigation of allegations of human rights violations; an effort to train and equip rapidly an Afghan security force that was effective and loyal to the IA; and an international effort to deal with security gaps.

ISAF achieved full operational capacity on 18 February, under the lead of the United Kingdom (see p. 275). The Force of 4,800 troops was conducting 30 patrols a day around the clock; about 50 per cent of the patrols were conducted jointly with the local police. The Secretary-General said that ISAF remained limited to Kabul, while the main threat to the IA emanated from the provinces. There was a continuing danger that existing security structures, both Afghan and international, would not adequately address the security threats in the country, which were likely to increase as the convening of the Emergency Loya Jirga approached. He stressed the urgent need for Afghan authorities to establish, as
quickly as possible, a national army and police force.

The Secretary-General’s Special Representative, Mr. Brahimi, arrived in Kabul on 21 December 2001. Security ceilings, war damage and years of neglect had limited the number of premises available for accommodation, and thus had prohibited a rapid expansion of international staff in Afghanistan during the first three months of 2002. The United Nations had relied as much as possible on existing capacities in the region to support the implementation of the Bonn Agreement, while continuing its humanitarian and recovery efforts. The Special Representative already had an overall coordinating role for all UN activities in Afghanistan. The next step, to ensure that all UN efforts were harnessed to fully support the implementation of the Bonn Agreement, would be to integrate all the existing UN elements in the country into a single mission, UNAMA. Should the Security Council authorize its establishment, the core of the mission’s mandate would entail: fulfilling the tasks and responsibilities, including those related to human rights, the rule of law and gender issues, entrusted to the United Nations in the Bonn Agreement, which were endorsed by the Council in resolution 1383 (2001) [YUN 2001, p. 263]; promoting national reconciliation and rapprochement throughout the country, through the good offices of the Special Representative; and managing all UN humanitarian relief, recovery and reconstruction activities in Afghanistan, under the overall authority of the Special Representative and in coordination with the IA and successor administrations of Afghanistan. The proposed structure and initial size of UNAMA took into consideration some of the following operating principles: the mission had to be a unified, integrated structure under the authority of the Special Representative; UNAMA’s overall objective was to provide support for the implementation of the Bonn Agreement, while recognizing that the responsibility for its implementation ultimately rested with the Afghans themselves; the mission had to bolster Afghan capacity, relying on as limited an international presence and on as many Afghan staff as possible; and recovery and reconstruction efforts could not await the successful conclusion of the peace process, but rather their early and effective delivery were central to the success of the process itself. In addition to an Office of the Special Representative and an administrative and logistical support component, it was proposed that the mission would also have two main arms, or pillars: a political affairs pillar and a humanitarian and development pillar. The mission would be headquartered in Kabul with regional offices in seven cities, and would not have any uniformed personnel, with the exception of a few advisers on military and civilian police matters and a few lightly armed international personnel required to provide close protection. The timely creation of a unified mission was key to the support of the mission’s operational goals. The introduction of the integrated structure would be phased in. The first step would be the unification of the administrative components of the United Nations Special Mission to Afghanistan and the Office of the Special Representative, which would streamline the provision of administrative and logistical support to the core of UNAMA. In addition, the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan staff and assets would be integrated. Together, those actions would lay the foundation for UNAMA as a unified presence, making the greatest use of common services.

The Secretary-General observed that security was and would remain the essential requirement for the protection of the peace process. The proposed UN mission was intended to ensure that all forms of UN assistance were channelled towards supporting the implementation of the peace process by the Afghan people. The proposed structure and size of the mission were relatively lean, so that the Organization’s overhead costs would not consume too much of the overall aid destined for the Afghan people. However, UNAMA would not be able to carry out its functions effectively unless the security situation was addressed, and that responsibility lay with Member States that were in a position to lend the necessary assistance.

Security Council consideration (26 March). On 26 March [meeting 4497], the Security Council discussed the situation in Afghanistan. It had before it a report on ISAF activities (see p. 275) and a joint Russian-Afghan statement (see p. 261). The Deputy Secretary-General, Louise Fréchette, speaking on behalf of the Secretary-General, expressed distress at the news that a severe earthquake had struck the northern part of Afghanistan, causing heavy loss of life and thousands of injuries. She also introduced the Secretary-General’s report on the situation in Afghanistan and elaborated on the proposal for the new UN mission (see above). She noted that the IA and the United Nations had made education a key priority, that there had been a massive increase in land under cultivation and that rapid emergency assessments were being undertaken in areas identified as having high rates of malnutrition. However, there was an urgent need to convert generous pledges of support by the international community into actual contributions.
Otherwise, UN agencies would not be able to carry on with vital activities in Afghanistan. Significant progress had also been made on the political front. The first stage of the Loya Jirga process was almost completed: the Special Independent Commission for the Convening of the Emergency Loya Jirga had developed rules and procedures for the selection and indirect election of participants in the Loya Jirga; a budget had been drawn up to cover organizational and logistical arrangements; and a public information campaign had been designed to inform Afghans throughout the country about the Loya Jirga process. The security situation across the country as a whole appeared to have improved somewhat, though there had been reports of further violent clashes in a few places. On the question of demobilization and reintegration of ex-combatants, work was under way to identify labour-intensive projects and other schemes that would employ former soldiers and provide them with an alternative to war. Preparations for the training of a national Afghan police force were also progressing. The Deputy Secretary-General added that a key innovation of the future UN mission in Afghanistan, UNAMA, was the integration of humanitarian relief, recovery and reconstruction activities within a single pillar. She also stressed the fact that the mission would have a light expatriate footprint, in order to ensure that Afghans took the lead in the post-conflict recovery phase.

**SECURITY COUNCIL ACTION (28 March)**

On 28 March [meeting 4501], the Security Council unanimously adopted resolution 1401(2002). The draft (S/2002/320) was prepared in consultations among Council members.

*The Security Council,*


*Recalling all relevant General Assembly resolutions, in particular resolution 56/220 A and B of 21 December 2001,*

*Stressing the inalienable right of the Afghan people themselves freely to determine their own political future,*

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

*Restating its endorsement 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), in particular annex II regarding the role of the United Nations during the interim period,*

*Welcoming the establishment on 22 December 2001 of the Afghan Interim Authority and looking forward to the evolution of the process set out in the Bonn Agreement,*

*Stressing the vital importance of combating the cultivation of and trafficking in illicit drugs and of eliminating the threat of landmines, as well as of curbing the illicit flow of small arms,*

*Having considered the report of the Secretary-General of 18 March 2002,*

*Encouraging donor countries that pledged financial aid at the International Conference on Reconstruction Assistance to Afghanistan, held at Tokyo on 21 and 22 January 2002, to fulfill their commitments as soon as possible,*

*Commending the United Nations Special Mission to Afghanistan for the determination shown in the implementation of its mandate in particularly difficult circumstances,*

1. *Endorses the establishment, for an initial period of twelve months from the date of adoption of the present resolution, of a United Nations Assistance Mission in Afghanistan, with the mandate and structure laid out in the report of the Secretary-General of 18 March 2002;*

2. *Reaffirms its strong support for the Special Representative of the Secretary-General, and endorses his full authority, in accordance with its relevant resolutions, over the planning and conduct of all United Nations activities in Afghanistan;*

3. *Stresses that the provision of focused recovery and reconstruction assistance can greatly assist in the implementation of the Bonn Agreement and to this end urges bilateral and multilateral donors, in particular through the Afghan Support Group and the Implementation Group, to coordinate very closely with the Special Representative, the Afghan Interim Administration and its successors;*

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 Afghan Interim Administration and its successors, and implemented effectively where local authorities contribute to the maintenance of a secure environment and demonstrate respect for human rights;*

5. *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;*

6. *Requests the International Security Assistance Force, in implementing its mandate in accordance with resolution 1386(2001), to continue to work in close consultation with the Secretary-General and his Special Representative;*

7. *Requests the Secretary-General to report to the Security Council every four months on the implementation of the present resolution;*

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

**Security Council consideration (April and May).** The Security Council discussed the situation in Afghanistan on 25 April [meeting 4521] and on 25 May [meeting 4541].
On 25 April, the Council heard briefings by the Vice-Chairman of the IA and Minister for Women, Sima Samar, and by the Under-Secretary-General for Political Affairs.

Ms. Samar said that without the immediate expansion of international peacekeeping forces, peace, democracy, reconstruction and the restoration of women’s rights and human rights would not be possible in Afghanistan. The rights of women, in particular, were put at risk by the absence of security. She asked the leaders of all nations to consider their responsibilities and to weigh the political and economic costs of expanding and extending ISAF against the risks of not taking action and not strengthening security. Security also meant immediate and long-term funds to strengthen the Government overall.

The Under-Secretary-General said that preparations for the Loya Jirga were proceeding on schedule and with success, though some security concerns remained for the period leading up to the elections. The Loya Jirga was to comprise some 1,500 delegates, of whom approximately 1,000 would be elected indirectly by the people and 500 selected by the Independent Commission for the Emergency Loya Jirga. Another significant political development was the return of the former King, Zahir Shah, who had been exiled since 1973. The former King had declared his support for Chairman Karzai and the IA and had emphasized that he was returning not to reassert his authority with little capacity to unite his fellow Afghans. Amid those signs of hope, a series of violent incidents had heightened security concerns. In particular, the 10 April killing of an Afghan working for the Food and Agriculture Organization of the United Nations highlighted a disturbing pattern of attacks on civilians. The IA had determined effort to eradicate poppy cultivation; despite opposition from farmers, it had destroyed more than 2,000 hectares and had paid $3 million in compensation. However, over 65,000 hectares were estimated to be still under poppy cultivation and harvesting of the crop had already begun in some provinces. The IA faced active resistance and lacked the means to carry out a comprehensive destruction of the crop.

The need for an effective police and corrections system was demonstrated by recent allegations of human rights abuses. Mr. Brahimi, during his visit to Mazar-e-Sharif on 14 and 15 April, raised with local leaders the issue of attacks on Pashtun minorities in the north and called on them to take effective steps to end those attacks. The Under-Secretary-General expressed concern that funds pledged at Tokyo for rehabilitation and reconstruction (see p. 258) had been slow to arrive, especially since those funds could be used to promote a secure environment for political and economic change. In anticipation of those funds, UNAMA had begun to plan recovery and development activities in 10 priority regions of the country in cooperation with the IA. At the first meeting of the Implementation Group (Kabul, 10-11 April), the IA presented its operating budget. The Group had been established during the Tokyo Conference to oversee the use of funds pledged for the reconstruction of Afghanistan.

On 23 May, the Council was again briefed on the latest developments in Afghanistan by the Under-Secretary-General for Political Affairs. He said that UNAMA was involved in the preparation for the Loya Jirga, which included coordinating the holding of 380 district assemblies for the eventual selection of electoral colleges. Those colleges, in turn, would elect, by secret ballot, representatives to the Loya Jirga. District assemblies had been held in about 300 districts, and though the process had been less than perfect, it had demonstrated the capacity for reconciliation and compromise among Afghans. Many of the obstacles were caused by the uncertain security situation, as different parts of the country remained under the sway of different commanders. Some were loyal to members of the IA, which did not necessarily make them loyal to the IA itself, while some actively opposed the IA, which was therefore placed in a position of having to assert its authority with little capacity to do so. Helping the Afghans develop that capacity was the subject of the security donors conference held in Geneva on 17 May. The purpose of the meeting, which brought together about 40 potential donors, was to secure financial commitments for security-sector reform. The IA delegation presented an operational paper on the new Afghan Armed Forces, which would be 80,000 strong and would cost around $300 million in the first year; it would be overseen by a civilian-controlled National Security Council. Germany presented proposals for rebuilding the police force, and Italy and UNAMA submitted papers on the judicial sector, while the United Kingdom presented a strategy paper for coordi-
nating assistance to combat illegal narcotics in Afghanistan. In addition, UNAMA submitted a paper on demobilization and reintegration, estimating that a programme addressing 200,000 combatants would cost around $80 million. As was reiterated at the Geneva conference, the reconstruction of Afghanistan and the creation of a viable political system required the development of an Afghan security sector that was controlled by and responsible to the State. However, the creation of new Afghan security institutions was going to take time, especially since the security situation in Afghanistan, particularly outside Kabul, remained a major concern. In the city of Mazar-e-Sharif, for example, UNAMA had brokered a separation-of-forces agreement between rival warlords, but the situation remained fragile there and in other parts of Afghanistan, particularly in the east and south. In view of the absence of an expansion of ISAF beyond Kabul, the United Nations and the IA believed that the international community should address those legitimacy issues as quickly as possible, as political and financial efforts in support of a new Afghanistan would be seriously compromised by a lack of tangible progress in that regard. UN agencies and NGOs continued to deliver on the humanitarian relief operation and were also giving increasing emphasis to programming for recovery and reconstruction.

Good progress was made on refugee returns. On 16 May, the number of Afghans returning in a single day from both Iran and Pakistan topped 20,000 for the first time. The total number of refugees whom the United Nations had assisted in returning since the start of 2002 stood at 625,000, with an undetermined number of others who had returned on their own. UNHCR was working with NGOs to rebuild 7,400 houses for the neediest returnees and was providing repatriation packages to ease the difficulties of the transition. The United Nations also continued to make progress in reconstruction and development assistance. In that endeavour, it was the Organization’s philosophy to work closely with the IA and it would articulate clearly to the IA and its successor, the TA, its transition strategy for national and sub-national capacity-building. That strategy would be based on a strong partnership between the Government and the United Nations and would focus on government and civil society capacity-building at all levels; ensure that equitable and needs-based programming was applied across the entire country; and support government objectives in improving the lives of millions of war-affected Afghans by bringing about real changes in villages and towns across the country. A strong element of decentralization would be critical in ensuring that the new area development programmes were successful. Taking into consideration the fact that millions of Afghans depended on the United Nations and NGOs, a large-scale presence and adequate funding would continue to be necessary in the immediate future. In the medium term, however, the United Nations would progressively reduce its presence and would assign more funding to recovery and reconstruction projects, while continuing to support the Government in meeting its challenges and responsibilities. The Under-Secretary-General also reported on a conference held in Tehran, Iran, on trade and private-sector cooperation among Afghanistan, Iran and Pakistan. The conference addressed the rebuilding of Afghanistan through the creation of a vibrant private sector and emphasized the need to expand trading opportunities as a key driver of that rebuilding. Following the conference, the three countries signed an agreement establishing a tripartite commission to develop private-sector development and trade.

At the end of its meeting, the Council adopted resolution 1413(2002) (see p. 276).

Communication (14 June). On 14 June [A/57/88/S/2002/672], the Russian Federation transmitted to the Secretary-General the text of the declaration by the Heads of State of the members of SCO (St. Petersburg, 7 June) (see also p. 257). The declaration, among other things, stated that SCO was established in order to strengthen mutual trust, friendship and good-neighbourliness among its member States. SCO considered that the security of Central Asia was inseparably linked with the prospects of the peace process in Afghanistan. In that connection, SCO would promote the post-war political and economic recovery of Afghanistan and the establishment of a broadly representative government in the interests of the entire Afghan population.

Security Council consideration (21 June). On 21 June [meeting 4557], the Security Council discussed the situation in Afghanistan and heard a briefing on latest developments by the Under-Secretary-General for Political Affairs.

The Under-Secretary-General said that the Emergency Loya Jirga was held in Kabul from 11 to 19 June with the participation of 1,656 voting delegates from all over the country and abroad. On 13 June, Mr. Karzai was elected as head of State of the TA. In his acceptance speech, Mr. Karzai proposed the creation of a number of national commissions to implement his reforms, including commissions on national defence, national security, foreign investment, return of property and others. The salient aspects of Mr. Karzai’s vision included a lean government...
structure that focused resources on the people and not on maintaining a heavy bureaucracy. He emphasized the importance of generating enough income for the Government to be self-sufficient. Customs duties would be used as the prime source of income to fund the civil service and the Government. On economic questions, he stressed the importance of private enterprise and of cracking down on corruption and bribery. On the issue of national defence and security, Mr. Karzai noted the need for an ethnically representative national army that was accountable to the Afghan State, an intelligence service that operated within the boundaries of the law and was respectful of the individual rights of Afghans, and an independent judicial system that was free from corruption. Most importantly, he insisted that all commanders and warlords had to come under the authority of the Ministry of Defence. Mr. Karzai was also in the process of finalizing his Cabinet selection.

Those positive developments in Kabul were overshadowed by a deterioration of the security situation in some parts of Afghanistan, in addition to acts of intimidation and fear during the Loya Jirga process. In the north of Afghanistan, a number of armed attacks and robberies had been carried out against international aid organizations. The Special Representative of the Secretary-General met with leaders of the three main northern factions and emphasized that if the security situation continued to deteriorate, aid organizations might be forced to cut their operations in the north. That would make it much more difficult to persuade donors to invest in recovery and reconstruction projects in the region.

A major task of the TA, in addition to extending its writ beyond Kabul, would be to address the reconstruction and development of Afghanistan. The United Nations had pledged to be an effective partner in that process. In that regard, progress continued to be made by UNAMA and UN agencies in Afghanistan in developing a coherent assistance strategy and a productive and cooperative relationship with the Afghan Government. However, some UN agencies had to scale back their operations due to a funding shortfall. The international community was urged to continue to assist Afghans and to support UN activities in the country.

**SECURITY COUNCIL ACTION (26 June)**


The Security Council,

**Reaffirming its previous resolutions on Afghanistan**, in particular resolution 1383(2001) of 6 December 2001,

**Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan**, Also reaffirming its strong commitment to help the people of Afghanistan to bring to an end the tragic conflicts in Afghanistan and promote lasting peace, stability, and respect for human rights,

Reaffirming its strong support for international efforts to root out terrorism, in keeping with the Charter of the United Nations, and reaffirming also its resolutions 1368(2001) of 12 September 2001 and 1373(2001) of 28 September 2001,

Reiterating its endorsement 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), and welcoming initial steps for the implementation thereof, including the establishment of the Human Rights and Judicial Commissions,

1. Welcomes the successful and peaceful holding, from 11 June to 19 June 2002, of the Emergency Loya Jirga opened by former King Mohammed Zaher, the “Father of the Nation”, and notes with particular satisfaction the large participation of women, as well as the representation of all ethnic and religious communities;

2. Commends the Afghan people for the success of the Emergency Loya Jirga, and encourages them to continue to exercise their inalienable right to determine freely their own political future;

3. Welcomes the election, by the Emergency Loya Jirga, of the head of State, President Hamid Karzai, and the establishment of the Transitional Authority;

4. Reiterates its strong support for the Transitional Authority in the full implementation of the Bonn Agreement, including the establishment of a constitutional commission, and in strengthening the Central Government, building a national army and police force, implementing demobilization/reintegration activities and improving the security situation throughout Afghanistan, combating illicit drug trafficking, ensuring respect for human rights, implementing judicial sector reform, establishing the basis for a sound economy and reconstructing productive capacity and infrastructure;

5. Calls upon all Afghan groups, in this regard, to cooperate fully with the Transitional Authority in order to complete the process according to the Bonn Agreement and to implement the decisions of the Emergency Loya Jirga;

6. Urges the Transitional Authority to build on efforts of the Interim Administration to eradicate the annual opium crop;

7. Also urges the Transitional Authority to build further on efforts of the Interim Administration to promote the welfare and interests of Afghan women and children and to provide education to boys and girls;

8. Commends the role of the United Nations system in support of efforts by the Afghans, reiterates its strong support for the Special Representative of the Secretary-General, Mr. Lakhdar Brahimi, and the staff of the United Nations Assistance Mission in Af-
ghanistan, and reaffirms its endorsement of the full authority of the Special Representative, in accordance with its relevant resolutions, over the planning and conduct of all United Nations activities in Afghanistan;

9. Comments also the contribution of the International Security Assistance Force in providing a secure environment for the Emergency Loya Jirga;

10. Stresses once again the importance of continued international support to complete the process according to the Bonn Agreement, calls upon donor countries that pledged financial aid at the International Conference on Reconstruction Assistance to Afghanistan, held at Tokyo on 21 and 22 January 2002, to fulfill their commitments promptly, and calls upon all Member States to support the Transitional Authority and to provide long-term assistance, as well as current budget support, for the current expenses of the Transitional Authority, and for the social and economic reconstruction and rehabilitation of Afghanistan as a whole;

11. Calls for significantly greater and more rapid international assistance to the vast number of Afghan refugees and internally displaced persons to facilitate their orderly return and effective reintegration into society, in order to contribute to the stability of the entire country;

12. Calls upon all Afghan groups to support full and unimpeded access by humanitarian organizations to people in need and to ensure the safety and security of humanitarian workers;

13. Decides to remain actively seized of the matter.

Report of Secretary-General (11 July). In an 11 July report [A/56/1009-S/2002/77], the Secretary-General described the continued implementation of the Bonn Agreement, including the successful conclusion of the Emergency Loya Jirga held from 11 to 19 June. Despite some imperfections in the nomination and selection of delegates and incidents of intimidation during the Loya Jirga itself, it was noteworthy that such an enormous logistical undertaking was carried out within a very tight schedule and accomplished the tasks of electing Hamid Karzai as head of State and approving the structures and appointment of the TA. The report also outlined the continuing challenges faced by both the TA and the international community. One of the most important tasks ahead was to ensure sufficient funding for humanitarian and recovery activities. The report described the organizational and operational progress made by the UN system in the areas of humanitarian and recovery activities. However, it also noted that donor funding had slowed dramatically, affecting the UN capacity to process the return of refugees and the Government’s ability to fund its basic services and extend its presence beyond Kabul. Another major cause for concern remained the issue of security. While ISAF had made a positive impact on the security situation in Kabul, continuing insecurity in many parts of the country entailed the risk of impeding progress on the political front. It also affected humanitarian activities. The Secretary-General, therefore, strongly advocated a limited expansion of ISAF beyond Kabul.

Security Council consideration (19 July). On 19 July [meeting 4579], the Security Council discussed the situation in Afghanistan. The Special Representative of the Secretary-General for Afghanistan, Mr. Brahimi, briefing the Council on the latest developments, said that, so far, the peace process was on track, though it was a fragile peace that had to be handled with great care. A few critical factors gave cause for cautious optimism: after 23 years of violence and war, the Afghan people were truly tired of fighting and were determined to avoid a relapse into war; no individual or factions had so far opted out of the peace process; the international community’s interest in Afghanistan had not waned; and all the deadlines set out in the Bonn Agreement had been met on time. Perhaps the most significant factor for optimism was the timely reconvening of the Emergency Loya Jirga, an event that many people doubted would ever take place. The Loya Jirga, which took place only six months after the end of a long and bitter conflict, was not designed to be, nor could it realistically have been, a perfectly democratic or representative process. It did, nevertheless, incorporate significant and innovative democratic elements. As a result, two thirds of the 1,600 delegates who took part were actually selected by the people themselves. The members spanned every ethnic and political group and 200 of them were women. There was no precedent for any of that in Afghanistan. For more than a week, those delegates debated some of the most difficult and controversial issues facing the country, providing great hope for national reconciliation. Therefore, the Loya Jirga, even if it was not perfect, represented a significant step forward in the peace process.

Despite those achievements, countless challenges and problems remained. Foremost among them was security, especially the fact that many members of the Taliban and Al-Qaeda remained in Afghanistan. In addition, since January, the United Nations had documented more than 70 serious security incidents in the northern regions of the country involving aid agencies or vulnerable groups. Afghans in certain regions felt a great sense of insecurity due to the fact that they were permanently at the mercy of armed groups. The real key to the restoration of security lay in the creation of a national army and national police force, along with a strong demobilization programme. A clear commitment from factional leaders and the international community would be required in order to realize those objectives.
Mr. Brahimi said that the United States and Germany were doing very good work in training the army and the police, respectively, though it was essential to ensure that a comprehensive strategy was worked out for those institutions, of which training would be only one part. There was also a need to make sure that potential spoilers were brought on board or otherwise neutralized.

Otherwise, a national system of security would not have much chance of success. In addition, in order to improve the security situation outside Kabul, there was a need to expand ISAF to other parts of the country.

The peace process had entered a transitional period, during which the Afghan leadership had to translate the priorities that had been outlined by President Karzai into a set of achievable objectives, including good governance, the development of key institutions and the implementation of recovery and reconstruction projects. The TA had to proceed quickly to establish a constitutional commission to undertake the task of drafting the country’s new constitution. The Electoral Assistance Division of the UN Department of Political Affairs would undertake an assessment of what was needed in order to start preparations for national elections, as provided for in the Bonn Agreement. With regard to human rights and the justice sectors, the commissions prescribed in the Bonn Agreement had been set up and would soon be operational. The international community would have to provide significant assistance—financial, technical and political—to help those commissions carry out their sensitive tasks, which would be critical in restoring accountability and the rule of law. There was also a need to provide humanitarian aid and to support sustainable recovery and reconstruction efforts. However, recovery and reconstruction had been slow to materialize and the pledges made in Geneva had not been translated into concrete improvements in the lives of ordinary Afghans.

UNAMA’s underlying philosophy remained the same: integration, so that political activities were linked to and informed by those in the relief, recovery and reconstruction sectors and linked to the four cross-cutting areas—gender, human rights, the rule of law and demobilization. Integration was already taking place, but there was a need to accelerate the pace. The appointment, in May, of programme secretariats was an essential element in the effort to bring together agencies and donors into programme groups. However, better management and circulation of information remained a major challenge on which UNAMA had to work with its partners in the months ahead. The United Nations also had to make sure that the delivery of services to the people of Afghanistan was cost-effective. The TA was concerned that donors remained reluctant to contribute significant financial resources directly to the national budget, while they continued to channel much of their assistance through the United Nations and NGOs. A core element of UNAMA’s role during the next 18 months would be to assist in building national capacity and confidence in governance systems so that international assistance would flow more directly to the TA and civil society organizations, making the UN presence lighter and more effective. In order to achieve that objective across the board, the United Nations planned to give maximum emphasis to supporting capacity development within central and provincial administrations, thereby increasing the number of Afghan professionals in the UN system itself.

**Economic and Social Council action.** On 24 July, the Economic and Social Council adopted resolution 2002/4 on the situation of women and girls in Afghanistan, in which it called on the TA to repeal all legislative and other measures that discriminated against women and girls, as well as those that impeded the realization of their human rights and fundamental freedoms (see p. 1149).

**Communications (September).** On 20 September [A/57/422-S/2002/1104], the Sudan transmitted to the Secretary-General the texts of declarations and resolutions adopted by the Organization of the Islamic Conference (OIC) Foreign Ministers at their twenty-ninth session (Khartoum, Sudan, 25-27 June). The Conference, among other things, welcomed the new provisional Government in Afghanistan.

On 27 September [A/57/458-S/2002/1125], the Sudan transmitted to the Secretary-General the text of the final communiqué adopted at the annual coordination meeting of Ministers for Foreign Affairs of States members of OIC (New York, 17 September). The meeting, among other things, welcomed Afghanistan’s return to its vacant seat in OIC.

**Report of Secretary-General (October).** In a 21 October report [A/57/487-S/2002/1173], the Secretary-General described the work of the TA to implement the Bonn Agreement, focusing on a number of initiatives to enhance government capacity, encourage private-sector growth and reform fiscal policy in order to allow the Government to gather revenues and to allocate and disburse them transparently and effectively. The Afghan Government’s elaboration of a National Development Framework and Budget (see p. 270) had been a key step in that process. The report also provided an update on the various commis-
The Secretary-General observed that the political environment in Afghanistan was difficult, as adversaries of the peace process had not renounced the use of violence as an instrument to destabilize the Government. In order to confront that threat, the Afghan leadership, with the support of the international community, had several tools at its disposal, including reconstruction of the physical, economic and social infrastructure and the creation of jobs and new economic opportunities, which were needed to restore hope and confidence within the population at large and to meet short-term goals of the peace process, such as the resettlement of refugees and displaced people, demobilization and disarmament of combatants who would not be recruited into State security structures.

The TA’s National Development Framework presented a vision of the State’s role relative to the economy and society and had three broad aims: to use humanitarian assistance and social policy to create the necessary conditions for people to live secure lives, thereby laying the foundations of human capital needed to support sustainable economic and social development; to use external assistance to build the physical infrastructure and provide the basis for economic growth, led by the private sector, that could in turn support and build Afghanistan’s human and social capital; and to create sustainable growth, so that a competitive private sector could become an engine of development and create opportunity for the population, thus serving also as an instrument of social inclusion. The success of that strategy depended on the ability of the State to implement it, with UNAMA assistance. The National Development Framework was seen as the central instrument of policy, allowing it to determine and monitor the development agenda. The budget for the first fiscal year (which began in March 2002) amounted to $460 million. The Government, which expected to raise $60 million of that amount from its own resources, would have to rely on international donors through the Afghanistan Reconstruction Trust Fund (ARTF) for the balance. On 22 July, ARTF, jointly managed by the Asian Development Bank, the Islamic Development Bank, UNDP and the World Bank, succeeded the UNDP-managed Afghan Interim Authority Fund. ARTF covered the Government’s recurrent budget, investment activities and programmes, including quick-impact recovery projects, funding to support the participation of Afghan experts resident abroad in reconstruction efforts, and training programmes. Contributions to date from donors totalled some $81 million, with an additional $60 million expected. In early July, the Fund disbursed $18.5 million to the Government’s account to cover urgent recurrent expenditures needed for July and August 2002.

Notwithstanding those signs of progress, the Government remained under-resourced. The total needs of a country recovering from over two
decades of conflict, destruction and drought outstripped even the $1.8 billion pledged at the Tokyo donor conference. Improved security was a precondition for a successful reconstruction effort. Local militias prevented civilian administrators from fulfilling their tasks, extorted tribute from farmers and businessmen, and engaged in factional fighting, which displaced the local population and created an environment where human rights were easily abused. The creation of national security forces and the strengthening of the justice system were key to the restoration of law and order. Though the international community had made a commitment to help with the establishment of those new security and law and order institutions, the success of the undertaking depended first and foremost on the commitment of the major factions that had established a military presence in various parts of the country. It was primarily their responsibility to set aside short-term factional interests, prevent divisions among them from driving the country again into lawlessness and enable the country to equip itself with effective, unified national forces. The Secretary-General said that an expansion of ISAF beyond Kabul was the best available instrument to improve security across Afghanistan. A primary goal of the Bonn process was the establishment of a fully representative government. The Emergency Loya Jirga and the establishment of the TA had addressed some of the shortcomings of the IA from the point of view of representation, and the 2004 elections were expected to provide an opportunity to complete that process. In the meantime, however, distrust continued to affect the relationship between the central Government and sectors of the population that perceived themselves as disenfranchised. That estrangement from the political process was of particular concern among Pashtuns, both in the north and in the south. More broadly, it was a fact that the task of political reconstruction had been made more difficult by the legacy of deepened ethnic fractures left by the 10-year civil war. There too, it was incumbent upon Afghan leaders to send a strong signal to Afghan society of their determination to work together, regardless of ethnic background and political affiliation.

Later developments. In a later report on the situation in Afghanistan [A/57/762-S/2003/332], the Secretary-General said that UNAMA and UN agencies had agreed to prioritize even further their programmes and projects within the budget process, building on the consultative process undertaken with the Government in defining IAPA, which was launched in Oslo, Norway, in December 2002. The Drafting Committee of the Constitutional Commission was formally inaugurated on 3 November and had started to work on a preliminary draft of the constitution. On 22 December, Afghanistan and its six neighbouring States signed the Kabul Declaration on Good Neighbourly Relations (see p. 274). Rivalries between factional leaders worsened in the western part of the country when the forces of Herat’s Governor clashed with those of a local commander in late 2002. There was also a grenade attack in December against one of UNAMA’s compounds. On 1 December, President Karzai signed a decree that provided the basis for the new Afghan National Army, the disarmament, demobilization and reintegration of all factional forces and the reform of the Ministry of Defence. The Government had also taken steps to ensure the accountability of its police force. President Karzai established an independent commission to investigate the violent police response to student demonstrations at Kabul University in November. The Judicial Commission began work on 28 November on a national plan for the judicial sector. Some positive developments had occurred in the effort to facilitate the return of the mostly Pashtun internally displaced persons who had fled tensions and oppression in the north after the fall of the Taliban regime. On 17 October, the Return Commission for the North was established to prepare and supervise the return of those internally displaced persons under dignified and safe conditions. The lead responsibility for UNAMA shifted from the UN Department of Political Affairs to the UN Department of Peacekeeping Operations on 1 November.

Open-ended panel on Afghanistan

On 11 November, the General Assembly decided to organize on 18 November a panel discussion on Afghanistan as an interactive dialogue with interested Member States. The panel, which commemorated the first anniversary of the Bonn Conference, provided new recommendations for future UN activities in the post-conflict reconstruction in Afghanistan (see p. 272).

GENERAL ASSEMBLY ACTION

On 11 November [meeting 47], the General Assembly adopted resolution 57/8 [draft: A/57/L.13/Rev.1] without vote [agenda items 21 (d) & 37].

Open-ended Panel of the General Assembly

on “Afghanistan: one year later”

The General Assembly,
Noting the important role played by the United Nations, including the Security Council, in the Afghan peace process,
Noting also that the items entitled “Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan” and “The situa-
tion in Afghanistan and its implications for international peace and security” will be considered by the General Assembly on 6 December 2002.

Convinced that an interactive dialogue on Afghanistan one year after the agreement reached among various groups in Bonn, Germany, would afford the international community an opportunity to take stock of the lessons learned in Afghanistan, as well as to enhance the discussions scheduled for 6 December 2002 in the General Assembly on Afghanistan, including on post-conflict reconstruction in Afghanistan and future United Nations activities in this regard,

Welcoming innovative approaches in the ongoing effort to revitalize the work of the General Assembly,

1. Decides to convene, on 18 November 2002, an open-ended panel of the General Assembly on Afghanistan, which will have two consecutive sessions, from 9 to 11 a.m. and from 11 a.m. to 1 p.m.;
2. Also decides that the Open-ended Panel will have as its theme “Afghanistan: one year later”;
3. Further decides that the first session of the Open-ended Panel will focus on political issues and the second session on economic issues;
4. Decides that the Open-ended Panel will be chaired by the President of the General Assembly and will have, for each session, a maximum of four panelists, selected by the President in consultation with the Member States;
5. Also decides that the President of the General Assembly will present a summary of the discussions of the Open-ended Panel at the beginning of the debate in the Assembly on 6 December 2002 on the items dealing with Afghanistan.

General Assembly consideration. On 6 December (meeting 68), the General Assembly discussed the situation in Afghanistan and its implications for international peace and security. Pursuant to resolution 57/8 (above), the Assembly President summarized the discussions of the Open-ended Panel.

The Assembly President said that at the outset of the Panel sessions, messages from the Secretary-General and President Karzai were read out; both acknowledged the progress that had been accomplished in Afghanistan, but noted that many challenges remained. The Panel held two sessions: one on political and the other on economic issues. At the political session, there was agreement on the need to quicken the pace of reconstruction and enhance security. It was stated that reconstruction and security issues went hand in hand and that real progress on those two issues was essential to the legitimacy of the Afghan Government and the Bonn process itself. Reconstruction and security within Afghanistan would also play a role in regional development. The economic session considered a broad spectrum of issues, including aid disbursement, refugees, drugs and the status of women. On aid, the discussion focused on the channels of disbursement and on whether Afghanistan should move towards a consultative group process. Some participants raised concerns regarding reports of former refugees leaving Afghanistan again. Also, a number of questions were raised regarding medium-term policies for combating drugs.

Overall, calls were made for capacity-building, cross-sectoral approaches to reconstruction and sustained levels of donor commitment to Afghanistan.

Specific proposals relating to political issues included the following: the need to address the link between security and the political process, and in particular for the international community to take a more proactive and imaginative approach to improving security; the need for enhanced cooperation for the formation and training of the new Afghan army; and the need for donors to recognize the importance of supporting the Afghan national census. It was agreed that the United Nations would play a coordinating role in the international community’s support for the electoral process. An international summit would be called by the United Nations to launch a new regional mechanism that would include Afghanistan, its neighbours and, possibly, other relevant countries. That group would be given a mandate to focus on common regional issues and would report issues of non-interference to the Security Council.

Specific proposals relating to economic issues included the need for sustained levels of donor resources and international attention to Afghanistan and for coordinated strategies that addressed illicit drug cultivation. In particular, capacity-building for police and cooperation with regional States were crucial components in combating illegal drugs. More reconciliation efforts were needed to create an environment conducive to the return of minorities to their place of origin. Attention had to be focused also on capacity-building in the private sector.

Germany, introducing the draft resolution on Afghanistan (see p. 273), said that the key impediment to the full implementation of the Bonn Agreement was the precarious security environment and the limited authority of the TA in the provinces. Therefore, the United Nations and the international community had to remain committed to Afghanistan. The draft resolution emphasized that the main responsibility for a sustainable political solution lay with the Afghan people themselves. Unless all Afghan groups respected the authority of the TA and cooperated fully to implement the Bonn Agreement, a lasting peace could not be obtained. The draft resolution also reflected the fact that the emphasis of international assistance was shifting from hu-
manitarian aid to transitional and long-term development assistance.

Afghanistan said that, despite major developments, countless problems and challenges remained. In order to confront those threats, the TA, with the support of the international community, had several tools at its disposal. One was the physical, economic and social infrastructure reconstruction of Afghanistan. Creating jobs and providing social services and economic opportunities were necessary to re-establish hope and confidence among the Afghan population. Furthermore, intensive reconstruction work and the materialization of quick-impact projects were sorely needed. That would help the strategy to eradicate the cultivation of poppies, which required providing a substitute crop and a viable economic livelihood for farmers. Security in Afghanistan, therefore, could not exist without launching the reconstruction of the infrastructure. That required vast international assistance, which would make possible the employment of a large segment of the population. Employment, in turn, would deprive local leaders of their armed followers. As at December, only one major project had been funded and construction work would only start after the winter, by March 2003. Reconstruction would also require the building of highways in the north, west and centre of the country. Funds for those projects had been promised but not provided. Afghanistan had to become a transit and transport crossroads of trade, linking the Middle East and Central and South Asia.

**GENERAL ASSEMBLY ACTION (6 December)**

On 6 December [meeting 68], the General Assembly adopted resolution 57/113 A [draft: A/57/L.56 & Add.1] without vote [agenda items 21 (d) & 37].

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

The General Assembly,

Recalling its resolution 56/220 A of 21 December 2001 and all its previous relevant resolutions,


Welcoming the recent initiative of the President of the General Assembly to hold a panel discussion on Afghanistan,

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

Reaffirming its condemnation of the use of Afghan territory for terrorist activities and the exporting of international terrorism from Afghanistan, and welcoming the ongoing successful efforts of the Afghan people and the Operation Enduring Freedom coalition to combat terrorism on their territory,

Convinced that the main responsibility for finding a political solution lies with the Afghan people themselves, and reaffirming therefore its continued support for the implementation of the provisions of the agreement reached among various Afghan groups in Bonn, Germany, on 5 December 2001, including the holding of free and fair elections for a representative government in 2004,

Convinced also that political consolidation aimed at the establishment of a broad-based, multi-ethnic, fully representative and gender-sensitive government, which respects the human rights of all Afghans and the international obligations of Afghanistan and is committed to peace with all countries, can lead to durable peace and reconciliation,

Welcoming the successful convening of the Emergency Loya Jirga, held from 11 to 19 June 2002, the election of President Hamid Karzai as head of State, by secret ballot, and the establishment of the Transitional Authority, and expressing its full support for President Karzai and the Transitional Authority,

Welcoming also the establishment of the Afghan Independent Human Rights Commission and the Judicial Commission, and recognizing that a functioning justice system and the accountability of perpetrators of grave human rights violations are key factors in ensuring reconciliation and stability and that the ongoing difficult humanitarian situation and the ongoing violations of human rights and international humanitarian law in Afghanistan remain a grave concern.

Taking note of the positive developments in Afghanistan in recent months, in particular the return of a large number of refugees and internally displaced persons, the progress in implementing education and health programmes, the establishment of the commissions mandated under the Bonn Agreement and the introduction of the new currency,

Expressing its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the staff of the United Nations Assistance Mission in Afghanistan to promote peace and stability in Afghanistan,

Reiterating 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 and its institutions, as well as in efforts to provide humanitarian assistance, provide for rehabilitation and reconstruction and facilitate the orderly return of refugees,

Recognizing the need for continued strong international commitment to humanitarian assistance and for programmes, under the ownership of the Transitional Authority, of rehabilitation and reconstruction, and noting that visible progress in this regard can further enhance the authority of the central government and greatly contribute to the peace process,

Commending the international efforts to help the Transitional Authority to provide a secure environ-
ment in Afghanistan, and stressing the need for a co-ordinated approach across all parts of the security sector and the importance of a national army and police force that are ethnically balanced, professional and accountable to legitimate civilian authorities,

Welcoming, in this regard, the important role played by the International Security Assistance Force and its respective lead nations in improving security conditions in and around Kabul,

Noting that, despite improvements in the security sector, the lack of security remains the most serious challenge facing Afghanistan and Afghans today, expressing its deep concern at a number of recent security incidents in Afghanistan, in particular the assassination attempt against President Karzai, noting the necessity of enhancing the capacity of the Transitional Authority to exercise its authority nationwide, and commending the steps already taken in that regard,

deeply disturbed by the increase in the cultivation, production and trafficking of narcotic drugs in Afghanistan, which has dangerous repercussions in the region and far beyond, and welcoming, in this context, the commitment of the Transitional Authority to rid Afghanistan of this pernicious production and trade,

1. Takes note of the report of the Secretary-General;
2. Stresses that the fragile situation in Afghanistan poses a continuing risk to peace and stability in the region, and expresses its determination to assist the efforts of the Transitional Authority to prevent the use of Afghan territory for international terrorism;
3. Reiterates its strong support for the Transitional Authority in the full implementation of the Bonn Agreement and endorses the concept of the Assistance Mission in Afghanistan in support of efforts under international humanitarian law, respect the authority of the Transitional Authority and implement fully the provisions of the Bonn Agreement, culminating in a constitutional Loya Jirga and national elections in 2004;
4. Calls upon all Afghan groups to renounce the use of violence, respect human rights, adhere to their obligations under international humanitarian law, respect the authority of the Transitional Authority and implement fully the provisions of the Bonn Agreement, culminating in a constitutional Loya Jirga and national elections in 2004;
5. Stresses the importance of the full and equal participation of women in political, economic, cultural and social life throughout the country, and calls upon the Transitional Authority to protect and promote the equal rights of men and women;
6. Commends and strongly supports the important role of the Special Representative of the Secretary-General for Afghanistan and the staff of the United Nations Assistance Mission in Afghanistan in support of efforts of the Transitional Authority to fully implement the Bonn Agreement, and endorses the concept of the Assistance Mission as a fully integrated Mission under the authority of the Special Representative and with a light international footprint;
7. Supports the efforts of groups of interested States and international organizations, underlines the importance of ensuring complementarity among these efforts, and calls upon all parties to coordinate closely with the Special Representative;
8. Calls upon donor countries that pledged financial aid at the International Conference on Reconstruction Assistance to Afghanistan, held in Tokyo on 21 and 22 January 2002, to fulfill their assumed commitments promptly, and also calls upon all Member States to provide humanitarian assistance and to support the Transitional Authority, including through the provision of direct budgetary support as well as through long-term assistance for the economic and social reconstruction and rehabilitation of Afghanistan, especially in the provinces, based on the Immediate and Transitional Assistance Programme for the Afghan People 2002;
9. Calls for continued international assistance to the vast number of Afghan refugees and internally displaced persons to facilitate their safe and orderly return and sustainable reintegration into society so as to contribute to the stability of the entire country;
10. Welcomes the efforts of the Transitional Authority to respect fully the international obligations of Afghanistan with regard to narcotic drugs, and calls upon it to strengthen further its efforts to eradicate the annual poppy crop;
11. Calls upon the international community to assist the Transitional Authority in the development and implementation of comprehensive, coordinated programmes aimed at eliminating illicit poppy cultivation in Afghanistan, including through crop substitution programmes and capacity-building for drug control;
12. Requests the Secretary-General to report to the General Assembly every four months during its fifty-seventh session on the progress of the United Nations and the efforts of his Special Representative to promote peace in Afghanistan, and to report to the Assembly at its fifty-eighth session on the progress made in the implementation of the present resolution;
13. Decides to include in the provisional agenda of its fifty-eighth session the item entitled "The situation in Afghanistan and its implications for international peace and security".

Also on 6 December, the Assembly adopted resolution 57/113 B on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan (see p. 900).

On 20 December, the Assembly decided that the agenda item on the situation in Afghanistan and its implications for international peace and security would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585).

Communication (December). On 24 December [S/2002/146], Afghanistan transmitted to the Secretary-General a copy of the Kabul Declaration on Good-Neighbourly Relations, signed by the TA, China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan (Kabul, 22 December). The signatories reaffirmed their commitment to constructive and supportive bilateral relationships based on the principles of territorial integrity, mutual respect and non-interference in each other’s affairs. The seven States also expressed

The Security Council,

Reaffirming its previous resolutions on Afghanistan,

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),

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.

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.

International Security Assistance Force

The International Security Assistance Force in Afghanistan achieved full operational capability on 18 February 2002. ISAF, a multinational force established by Security Council resolution 1386(2001) [YUN 2001, p. 267], was mandated, among other things, to assist the IA in the maintenance of security in Kabul and its surrounding areas. The United Kingdom, which had assumed lead nation status for ISAF from its inception, handed over that responsibility to Turkey on 20 June.

On 14 January [S/2002/147], the United Kingdom submitted to the Security Council President a copy of the Military Technical Agreement between the Afghan IA and ISAF, signed on 4 January.

Communications (January/February). During January and February, the Secretary-General received a number of communications from Member States, pledging military personnel, equipment and other resources to ISAF: Austria [S/2002/97], Finland [S/2002/20], Greece [S/2002/168], Portugal [S/2002/77], Romania [S/2002/92] and Turkey [S/2002/59].

Reports of ISAF (March/April). Pursuant to resolution 1386(2001) [YUN 2001, p. 267], the United Kingdom submitted to the Secretary-General two reports, one in March [S/2002/274] and one in April [S/2002/479], on ISAF’s activities.

In the March report, the United Kingdom said that ISAF had achieved full operational capability on 18 February. Since arriving in Afghanistan, ISAF had established good relations with all elements of the IA, through both the Joint Coordination Board (among ISAF, the IA and the United Nations) and bilateral contacts with individual ministers. ISAF had concluded a Military Technical Agreement with the IA (see above), set out rules of engagement and concluded a Memorandum of Understanding with all troop-contributing nations. Security in Kabul was improving, assisted by ISAF either alone or in conjunction with the Afghan police patrolling day and night in all 12 police districts. The police, with German and United Kingdom assistance, were becoming more effective and there was a reduced presence of arms on the streets. Various elements of the IA armed forces and other armed groups had either returned to their barracks or withdrawn from the city. Although ISAF had been well received by the majority of the population in Kabul, it still faced some risks from extremists. Commercial life in Kabul was returning to normal and the population was also increasing as news of a more peaceful and secure environment spread. The reopening of Kabul International Airport by ISAF had been one of the most significant contributions to the creation of a sense of return to normality, connecting the capital to the rest of the world and enabling pilgrims to travel for the hajj. The training of the 1st Battalion of the Afghan National Guard had begun. About 600 men from a wide variety of Afghan ethnic groups were in training and Chairman Karzai had decided that they should be subordinate to him. UNDP had undertaken to fund and supervise the refurbishment of barracks to serve as a base. The Force’s security operations were supported by a coordinated information operation designed to dispel any misgivings about the presence of troops on the ground and to promote the benefits of international engagement. In addition, the civil-military coordination effort brought additional...
small-scale improvements to the areas where soldiers were patrolling through a programme of quick-impact projects. The poor condition of all aspects of administration and law enforcement in Kabul had complicated the task of establishing statistics and other indicators of the situation in the capital. ISAF remained concerned over the absence of a legal system and the delay in establishing an effective disarmament, demobilization and reintegartion programme for about 40,000 former Afghan soldiers.

In the April report, the United Kingdom said that it remained in place as lead nation and in command of ISAF headquarters, while Germany assumed command of the Kabul Multinational Brigade on 19 March. Since ISAF was in the middle of carrying out the necessary roulement of a number of capabilities, there was a need to maintain campaign coherence during the transition from one contingent to another, through careful and timely planning. It was hoped that Turkey would confirm its agreement in principle to take over as ISAF’s lead nation. ISAF’s relationship with the IA remained productive and liaison with key Afghan ministries was well established. The IA had demonstrated its growing capability, and good coordination and cooperation had been demonstrated during the organization of some key events, including the return of former King Zahir Shah. The security situation in Kabul had improved significantly since ISAF’s arrival. According to an ongoing ISAF statistical analysis, crime rates had decreased across the city by as much as 70 per cent and the general population of Kabul welcomed the presence of the Force. There had been a few low-level incidents involving ISAF patrols, due to increased patrolling activities in the more lawless areas of the city. The IA police, with the assistance of ISAF and the international community, had improved in organization and effectiveness, though there was evidence that members of the police were involved in some crime due to insufficient wages. The 1st Battalion of the Afghan National Guard passed out of training on 4 April, a significant achievement for the first multi-ethnic, centrally directed national army. The Afghan Security Assistance Meeting, which was scheduled to convene in Geneva on 17 May, would focus on building a national army (United States lead) and a national police force (German lead); strengthening the courts, the penal system and the administration of justice (Italian lead); demobilization (UN lead); and counter-narcotics (United Kingdom lead). ISAF was cooperating with UNAMA on a range of issues, including maintenance of security in Kabul, civil-military projects, security sector reform and the planning for the Loya Jirga in June. The establishment of the Afghan Assistance Coordination Agency as the mechanism for matching funding with the requirements of the National Development Framework (see p. 270) was a step forward in efficiency and sound management.

**Communication (May).** On 9 May [S/2002/568], Turkey informed the Secretary-General that it had agreed to assume the lead nation status for ISAF for a period of six months, which would commence with the actual transfer of command to Turkey by the United Kingdom and following the extension of ISAF’s authorization by the Security Council. Turkey had taken that decision with the understanding that ISAF’s mandate and its area of operation would be maintained as stipulated by Council resolution 1386(2001) [YUN 2001, p. 267]. ISAF’s mission, as authorized by the Council, would continue to be distinct from Operation Enduring Freedom, the United States-led military intervention, which overthrew the Taliban regime in 2001 [ibid., p. 255]. Turkey, as the lead nation, would exercise command of ISAF, which would continue to include troops and equipment contributed by other nations and would have the support of the United States. Close coordination would be maintained between ISAF and the United States Central Command to “deconflict” their respective activities. The joint coordinating body, comprising representatives from the United States Central Command, the IA and ISAF would be maintained to deal with operational issues.

**Extension of ISAF**

**SECURITY COUNCIL ACTION (May)**


The Security Council,
Reaffirming its previous resolutions on Afghanistan, in particular resolution 1386 (2001) of 20 December 2001,
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 also 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, and welcoming in this respect the cooperation of the Afghan Interim Authority with the International Security Assistance Force,

Expressing its appreciation to the United Kingdom of Great Britain and Northern Ireland for taking the lead in organizing and commanding the Force, and recognizing with gratitude the contributions of many nations to the Force,

Welcoming the letter dated 7 May 2002 from the Minister for Foreign Affairs of the Republic of Turkey addressed to the Secretary-General, and taking note of Turkey’s offer contained therein to assume the lead in commanding the Force,

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,

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 Afghan Interim 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),

Acting for these reasons under Chapter VII of the Charter,

1. Decides to extend the authorization, for a period of six months beyond 20 June 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 fulfill the mandate of the Force;
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 monthly reports on implementation of its mandate, through the Secretary-General;
5. Decides to remain actively seized of the matter.

Reports of ISAF (July-October). On 9 July [S/2002/740], the United Kingdom submitted to the Secretary-General its final report on ISAF, covering the period up to the handover of command to Turkey on 20 June. The United Kingdom said that the clear role that ISAF had developed as a security assistance force, offering transparent and impartial support, had enabled the population of Kabul to set aside long-standing concerns about the deployment of foreign forces on Afghan soil. The United Kingdom noted that, during its six-month period as first lead nation, ISAF had achieved considerable success, most notably a measurable improvement in security, and had established productive working relations with the TA and subsequently with the TA. The most obvious example of that relationship was the successful cooperation over the Emergency Loya Jirga, which concluded on 19 June. In conjunction with its security operations, ISAF’s programme of civil-military-cooperation played a major role in promoting ISAF as a positive presence in Kabul. During its first six months, some $2.74 million was spent or committed to around 250 projects in education, health, administration, road and transportation, utilities and other areas, including distribution of clothing. ISAF also cooperated with UNAMA in preparations for an April donors’ conference on security sector reform in Geneva. Donors pledged support for a coordinated approach to training the future Afghan national army and police force. However, there remained a need to see substantive progress in funds being released to allow for visible coordination and implementation of security sector reform on the ground.

On 12 August [S/2002/940], Turkey submitted to the Secretary-General its first report on ISAF activities, covering the period from 20 June to 31 July. Turkey said that, while the situation was calm, the security circumstances remained somewhat fragile, with potential threats of instability, as demonstrated by the assassination of Hadji Abdul Qadir, Vice-President and Minister for Public Works, on 6 July. Although the situation still posed a challenge for ISAF, the outlook was nevertheless promising. Efforts to build the Afghan national army and the police force remained crucial elements in terms of consolidating the TA’s authority and in strengthening national identity and unity. The unpredicted speed of the refugees’ return and the problems in paying the salaries of the Afghan security personnel needed to be addressed expeditiously. The new Government of the TA was sworn in on 24 June. Significant progress had been achieved towards political stability with the election of Mr. Karzai as President by the Loya Jirga.

In a 26 September report [S/2002/1092] concerning ISAF activities from 1 to 31 August, Turkey said that the overall security situation had stabilized further, crime rates remained low and a sense of normality had returned to Kabul, despite the persistence of problems related to the return of refugees and the inability of the Afghan authorities to pay police and army personnel. A number of minor explosions that occurred in Kabul were isolated incidents without noticeable impact on daily life. ISAF had placed a major emphasis on assistance activities for the local community, especially in the fields of education and health. The Afghan Government was seeking to consolidate the authority of the central Government and extend it to the provinces, establish a national army and police force, and re-
habilitate the country's basic infrastructure. Without the materialization of the financial commitments declared at the Tokyo Conference for the reconstruction of Afghanistan (see p. 258), the Afghan Government would not by itself be able to tackle the underlying causes of conflict, such as poverty, illiteracy and regionalism. ISAF's patrolling activity progressed as planned and security coordination with the Afghan authorities improved further. The situation in Kabul and its surrounding areas was calm and stable. The central Government endeavoured to project a degree of stability and gradual progress. ISAF provided assistance with the investigation into the assassination of Vice-President Qadir and reported its conclusions to the Afghan authorities, along with recommendations for enhanced security measures. There was still a residual terrorist threat and the country could succumb to extremist ideologies if the international community failed to provide the political and economic support required to help Afghanistan achieve stability and strengthen its sense of national identity.

On 21 October [S/2002/1196], Turkey submitted to the Secretary-General a report on ISAF activities from 1 to 30 September. Turkey said that the overall security situation in Kabul and its surrounding areas stabilized further, despite a major explosion that claimed 30 lives in Kabul on 5 September and an attempt on the life of President Karzai in Kandahar on the same day. Consequently, ISAF had stepped up both its visibility in the city and its security precautions. However, those acts of terror did not have much impact on daily life or upset the sense of normalcy and calm. ISAF also sought to enhance security coordination and intelligence-sharing among the relevant Afghan authorities and to address the equipment requirements of the Kabul police. It was evident that a substantial flow of international aid was required to address the fundamental problems facing the country, to reject extremist ideologies and to stamp out residual threats of terrorism.

Communication of Secretary-General (November). On 25 November [S/2002/1296], the Secretary-General transmitted to the Security Council President a 21 November letter he had received from Germany and the Netherlands, which stated that the two countries had decided to assume the lead nation status for ISAF for a period of six months. The core mission of ISAF would remain that of assisting the Government of Afghanistan in the maintenance of security for Kabul and its surrounding areas, while the responsibility for providing security and law and order throughout Afghanistan would continue to reside with the Afghan authorities. The actual transfer of responsibility as the lead nation from Turkey to Germany and the Netherlands was envisaged to take place not later than 15 February 2003.

Further extension of ISAF

SECURITY COUNCIL ACTION (November)

On 27 November [meeting 4631], the Security Council unanimously adopted resolution 1444 (2002). The draft (S/2002/1278) was prepared in consultations among Council members.

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,


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 Secretary-General expressing the willingness of Germany and the Netherlands to assume jointly from Turkey the lead in commanding the Force, 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,

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),

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 Interna-
tional Security Assistance Force, as defined in resolution 1267 (1999);  
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.

Report of ISAF (December). On 2 December [S/2002/1340], Turkey submitted to the Secretary-General a report on ISAF activities from 1 to 31 October. Turkey said that security in Kabul and its surrounding areas continued to strengthen, leading to the lifting of the night curfew for the first time in 23 years. ISAF maintained a discreet and substantial presence in the city and enjoyed the full confidence and cooperation of the Afghan authorities. Despite those positive trends, there was some concern about the plight of refugees who had returned to Kabul, especially in view of the approaching winter conditions. Furthermore, most police and army personnel had not been paid for many months, fuelling suspicions of their involvement in ordinary crime. However, it was encouraging to note that the Afghan authorities had been able to reach conceptual agreement on the establishment of a national army. The Afghan Government had also made some progress in extending its authority to the provinces.

Later developments. In a later report [S/2002/210] covering ISAF activities in November and December, Turkey said that the calm and peaceful atmosphere in Kabul had consolidated further and no major incident had occurred since the night the curfew was lifted on 3 November. The Afghan Government had been making progress towards addressing the fundamental problems facing the country, reforming the security sector and extending its authority to the provinces.

Sanctions

Sanctions Committee activities

The Security Council Committee established pursuant to resolution 1267 (1999) [YUN 1999, p. 265] (the Afghanistan Sanctions Committee) submitted a report [S/2002/1425] covering its activities from 1 January to 20 December 2002. During that period, the Committee held 10 meetings and numerous informal consultations at the expert level. On 7 November, following several months of consultations, the Committee approved new guidelines for the conduct of its work, which were based on Council resolution 1390 (2002) (see p. 281) and on the relevant provisions of resolutions 1267 (1999) and 1333 (2000) [YUN 2000, p. 273]. The new guidelines, in addition to the usual procedural issues, incorporated a non-exclusive mechanism for adding to or removing from the consolidated list individuals and entities subject to sanctions measures.

In the wake of the terrorist attacks of 11 September 2001 [YUN 2001, p. 60], the Committee’s mandate was redefined by resolution 1390 (2002), by which the Council expanded the counter-terrorism measures beyond the territory of Afghanistan formerly controlled by the Taliban to include individuals and entities belonging to or associated with the Taliban, Osama bin Laden and Al-Qa’idah, regardless of their location. The new global character of the Committee’s mandate offered greater opportunities for achieving the Security Council’s objectives in the fight against terrorism and for the more effective discharge of the Committee’s mandate. The Committee’s list remained a critical tool for the implementation of all sanctions measures, namely the freezing of financial assets, the travel ban and the arms embargo. Although it was unlikely that the list included all individuals or entities engaged in terrorist activities, or supporting them, it remained the best instrument at the Committee’s disposal to guide States’ actions in the fight against terrorism and to monitor what States had done in concrete terms to prevent further terrorist activities. With the assistance of the Monitoring Group (see p. 280), the Committee was determined, on a priority basis, to make additional efforts to modify and update the list to best serve the objectives of the established sanctions regime. While such reformatting would improve the list’s readability, States would still need to take the necessary steps to harmonize the information contained in the consolidated list with existing national legal and administrative systems. In addition, the list was not a substitute for the provision of vital information, such as reliable names and passport numbers. Since 1 January 2002, the list had been updated 15 times to reflect the addition of 30 individuals and 24 entities, and the removal of 4 individuals and 9 entities. The Committee, among other things, removed the Central Bank of Afghanistan (see p. 280) and agreed on the release of funds held in escrow by the International Air Transport Association to the IA.

On 30 June [S/2002/756], the Committee Chairman transmitted to the Council a list of 67 Member States that had replied as at 28 June, pursuant to Council resolution 1390 (2002), on the imple-
mentation of paragraph 2 of the resolution, in particular on measures applied against all individuals, groups, undertakings and entities associated with the Taliban and Al Qa'ida. As at 8 August [S/2002/736/Add.1], four additional replies had been received.

SECURITY COUNCIL ACTION (December)


The Security Council,
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”); or

(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.

Monitoring Group

The Monitoring Group on Afghanistan, which was established by Security Council resolution 1363(2001) [YUN 2001, p. 270] and reported to the Sanctions Committee, had the mandate of monitoring the implementation of the measures imposed by resolutions 1267(1999) [YUN 1999, p. 265] and 1333(2000) [YUN 2000, p. 275]. To that end, the Group would collate, assess, verify, report and make recommendations on information regarding violations of the measures imposed. Resolution 1363(2001) also called for the establishment of a Sanctions Enforcement Support Team (SEST), under the coordination of the Monitoring Group and specialized in customs, border security and counter-terrorism, to be deployed in the States bordering Afghanistan.

Security Council consideration (January). On 11 January [S/2002/71], the Security Council President noted that the Council had considered at informal consultations a 10 January request from the IA to remove the Central Bank of Afghanistan from the UN consolidated list maintained by the Sanctions Committee. The consolidated list, among other things, designated the persons and entities whose funds and financial resources should be frozen pursuant to Council resolution 1267(1999). Taking into account the IA's urgent need for financial resources to meet its obligations, and noting that the Central Bank was no longer controlled by the Taliban regime, the Council decided, without establishing a precedent, to remove the Central Bank from the consolidated list as from 11 January.

Report of Monitoring Group (January). On 14 January [S/2002/65], pursuant to Council resolution 1363(2001), the Sanctions Committee Chairman submitted to the Council President the first report of the Monitoring Group on Afghanistan. It was noted that the events of 11 September 2001 [YUN 2001, p. 60] and subsequent action taken by the international coalition against the Taliban
regime and Al-Qaeda had changed the situation significantly with respect to Council resolution 1363(2001) and requirements stipulated in resolutions 1267(1999) and 1333(2000), and had made it impossible to proceed with SEST’s deployment. Based on its assessment that the Taliban and remnants of Al-Qaeda were likely to remain a potential threat in the region for a considerable time to come, the Monitoring Group recommended that the weapons embargo be maintained against the Taliban, Al-Qaeda and their sympathizers. The Group also recommended that the freezing of funds and other financial assets of individuals and entities related to or associated with the Taliban, Al-Qaeda and Osama bin Laden be maintained and monitored for compliance, and that, as soon as the situation on the ground permitted, a process of verification of all known terrorist training facilities be undertaken. It was the Group’s view that the closure of production facilities and storage sites for illicit drugs should be internationally verified. In addition, the Group recommended that the monitoring component established by resolution 1363(2001) be maintained and that it be renamed the Monitoring and Advisory Teams. The Group suggested that a border control service, including customs and immigration, needed to be established by the Afghan authorities as a matter of priority.

SECURITY COUNCIL ACTION (January)


The Security Council,
Noting that Ariana Afghan Airlines is no longer owned, leased or operated by or on behalf of the Taliban, nor are its funds and other financial resources owned or controlled, directly or indirectly, by the Taliban,
Acting under Chapter VII of the Charter of the United Nations,
1. Decides that the provisions of paragraph 4 of resolution 1267(1999) do not apply to Ariana Afghan Airlines aircraft or its funds and other financial resources;
2. Decides also to terminate the measure provided for by paragraph 8 of resolution 1333(2000);
3. Decides to remain actively seized of the matter.

On 16 January [meeting 4452], the Council unanimously adopted resolution 1390(2002). The draft [S/2002/72] was prepared in consultations among Council members.

The Security Council,
Reaffirming its previous resolutions on Afghanistan, in particular resolutions 1578(2001) of 14 November 2001 and 1383(2001) of 6 December 2001,
Reaffirming also its resolutions 1368(2001) of 12 September 2001 and 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,
Reaffirming further its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C., and Pennsylvania on 11 September 2001, expressing its determination to prevent all such terrorist acts, and to root out that network,
Noting the indictments of Osama bin Laden and his associates by the United States of America for, inter alia, the bombings on 7 August 1998 of the United States embassies in Nairobi and Dar es Salaam,
Determining that the Taliban has failed to respond to the demands set out in paragraph 13 of resolution 1244(1998) of 8 December 1998, paragraph 2 of resolution 1267(1999) and paragraphs 1, 2 and 3 of resolution 1333(2000),
Condemning the Taliban for allowing Afghanistan to be used as a base for terrorist training and activities, including the export of terrorism by the al-Qaeda network and other terrorist groups, as well as for using foreign mercenaries in hostile actions in the territory of Afghanistan,
Condemning the al-Qaeda network and other associated terrorist groups for the multiple criminal, terrorist acts aimed at causing the deaths of numerous innocent civilians, and the destruction of property,
Reaffirming that acts of international terrorism constitute a threat to international peace and security,
Acting under Chapter VII of the Charter,
1. Decides to continue the measures imposed by paragraph 8 (c) of resolution 1333(2000) and notes the continued application of the measures imposed by paragraph 4 (b) of resolution 1267(1999), in accordance with paragraph 2 below, and decides to terminate the measures imposed by paragraph 4 (a) of resolution 1267(1999);
2. Decides also that all States shall take the following measures with respect to Osama bin Laden, members of al-Qaeda and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267(1999) and 1333(2000), to be updated regularly by the Security Council Committee established pursuant to resolution 1267(1999), hereinafter referred to as “the Committee”:
   (a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for...
the benefit of such persons, by their nationals or by any persons within their territory;
(b) Prevent the entry into or the transit through their territories of those individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and that this paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process, or the Committee determines on a case-by-case basis only that entry or transit is justified;
(c) Prevent the direct or indirect supply, sale and transfer to those individuals, groups, undertakings and entities, from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts, for the aforementioned, and technical advice, assistance, or training related to military activities;
3. Decides further that the measures referred to in paragraphs 1 and 2 above will be reviewed in twelve months and that at the end of that period the Council will either allow those measures to continue or decide to improve them, in keeping with the principles and purposes of the present resolution;
4. Recalls 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;
5. Requests the Committee to undertake the following tasks and to report on its work to the Council with its observations and recommendations:
(a) To update regularly the list referred to in paragraph 2 above, on the basis of relevant information provided by Member States and regional organizations;
(b) To seek from all States information regarding the action taken by them to implement effectively the measures referred to in paragraph 2 above, and thereafter to request from them whatever further information the Committee may consider necessary;
(c) To make periodic reports to the Council on information submitted to the Committee regarding the implementation of the present resolution;
(d) To promulgate expeditiously such guidelines and criteria as may be necessary to facilitate the implementation of the measures referred to in paragraph 2 above;
(e) To make information it considers relevant, including the list referred to in paragraph 2 above, publicly available through appropriate media;
(f) To cooperate with other relevant sanctions committees and with the Security Council Committee established pursuant to paragraph 6 of resolution 1373(2001);
6. Requests all States to report to the Committee, no later than ninety days from the date of adoption of the present resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement the measures referred to in paragraph 2 above;
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 Monitoring Group referred to in paragraph 9 below;
8. Also urges all States to take immediate 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 on their territory, to prevent and punish violations of the measures referred to in paragraph 2 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 investigation or enforcement actions;
9. Requests the Secretary-General to assign the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363(2001), whose mandate expires on 19 January 2002, to monitor, for a period of twelve months, the implementation of the measures referred to in paragraph 2 above;
10. Requests the Monitoring Group to report to the Committee by 31 March 2002 and thereafter every four months;
11. Decides to remain actively seized of the matter.

On 4 March [S/2002/25], the Secretary-General informed the Council President that, pursuant to resolution 1390(2002) (see p. 281), he had assigned the Monitoring Group to monitor the implementation of the measures referred to in that resolution until 16 January 2003.

On 2 May [S/2002/36], the Secretary-General informed the Council President that he had appointed a new member to the Monitoring Group as a replacement for a member who had resigned for personal reasons.


The May report noted that the resolution requested the Group to report to the Committee by 31 March and thereafter every four months. In keeping with the resolution’s spirit, the Group’s Chairman proposed that the report’s date of submission be extended to 30 April to enable the Group analyse the 90-day reports from States, which were due in mid-April. As at 29 April, 43 reports had been received. In order to fulfill its mandate to monitor the implementation by States of the measures referred to in resolution 1390(2002) with respect to Osama bin Laden, Al-Qa’idah and the Taliban, their associates and associated entities, the Group adopted a twin-track
approach. The first involved the acquisition and analysis of information from many sources, including Governments and international and regional organizations. Concurrently, the Group commenced investigations into a number of specific cases, which concentrated on individuals and entities alleged to be in violation of the Security Council sanctions. The May report covered the preparatory phase.

One of the key instruments available to States to enable them effectively to implement resolution 1390(2002) was the UN consolidated list. The Group had made a number of recommendations concerning the list with the aim of enabling States to use it more effectively. They included the number of identifiers for individuals and entities on the list, the “cultural construction” of some of the names, and the position of titles and the format in which the list was maintained. The Group noted that Al-Qa’idah and its associates appeared to have diversified the movement and security of their finances by acquiring commodities such as gold and diamonds, and by using alternative remittance systems in addition to the formal banking system.

The Group met with representatives of Afghanistan, Iran, Pakistan and Saudi Arabia to ascertain the measures their Governments were implementing with respect to the movement of pilgrims to the hajj and the possibility that individuals subject to the travel ban might try to escape. On the subject of the arms embargo, the Group reinforced some of the measures already recommended by other UN expert panels concerning the standardization of end-user certificates. In addition, the Group was working to establish a register of all known arms dealers and would recommend that all arms-producing countries become participating States in the 1996 Wassenaar Arrangement, which had been established to contribute to regional and international security by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies.

The Group observed that it found some States to be extremely helpful in their willingness to share intelligence information, while the reluctance of others to provide information was described as almost obstructive. The amount of money laundered globally was estimated at $500 billion to $1 trillion per year. Much remained to be done, especially when considering those who were on the UN consolidated list and who had shifted their assets to financial venues where enforcement was less robust and those who did not yet appear on the list. Similarly, while some States had clearly made considerable efforts to reduce opportunities for Al-Qa’idah and the Taliban and their supporters to have ready access to financial and economic assets, others had not done so. Commitment to UN conventions and international agreements aimed at establishing improved norms of international responsibility and better controls in problem areas such as financing of terrorist activities and arms trafficking was to be encouraged. Al-Qa’idah continued to utilize the Internet as an effective means of communicating globally and in support of its logistics requirements. Efforts to hinder and even neutralize that capability would continue to pose a major challenge for law enforcement agencies worldwide, but methods of combating that aspect of Al-Qa’idah operations needed to be addressed with energy and resourcefulness and without delay. The Group suggested that States should take a more proactive approach when implementing the measures called for in resolution 1390(2002). For its part, the Group would, during the next phase, concentrate on working closely with Governments, organizations and State agencies in Europe, the Middle East and Central and Southern Asia.

In the September report, the Group said that, despite having lost its physical base and sanctuary in Afghanistan, Al-Qa’idah continued to pose a significant threat to international peace and security. It had developed operational links with militant Islamic groups in Europe, North America, North Africa, the Middle East and Asia, and was still able to work with, or from within, those groups to recruit new members and to plan and launch future terrorist attacks. The terrorist organization’s diffuse leadership, loose structure and absence of centralized command and control made it difficult to detect or eradicate. After the attacks of 11 September 2001, the international community had joined in an unprecedented effort to combat terrorism and to track down and bring to justice Osama bin Laden, Al-Qa’idah and the Taliban. Hundreds of Al-Qa’idah and Taliban operatives were detained and many more were sought and identified. Only a few of those individuals and entities were actually included in the UN consolidated list of designated persons targeted by the measures under resolution 1390 (2002). Rather, numerous national lists were created and circulated bilaterally. Those lists were being used and applied by States unevenly and that had seriously diminished their effectiveness as a control measure. The Group’s report recommended that much greater use be made of the UN list as a unified, authoritative and key control document, which placed obligations on all States.

Despite some initial success in locating and freezing some $112 million in assets belonging to Al-Qa’idah and its associates, Al-Qa’idah con-
Financial support continued to be available to Al-Qa’idah from bin Laden’s own personal inheritance and investments, from members and supporters of Al-Qa’idah and from contributions obtained or diverted from charitable organizations. The funds collected and disbursed by a number of Islamic-based charities were proving particularly difficult for Governments to monitor and regulate. States had to exercise greater surveillance over the operations of charities and the disbursement of funds, and greater efforts had to be made to track and close down businesses and entities supporting Al-Qa’idah. A large number of States in Europe, North America and elsewhere had taken steps to tighten banking regulations and to better locate, trace and block financial transactions. Those regulations imposed new requirements on banks to identify their customers, and to review and report all suspicious transactions. That had led Al-Qa’idah to transfer much of its financial activities to Africa, Asia and the Middle East. Also, the terrorist organization was turning increasingly to alternative banking mechanisms, including the use of informal remittance systems, such as hawala, an alternative remittance system that operated outside banking or financial channels. Further steps were necessary to regulate those systems.

Several Governments had taken steps to tighten visa and border controls. Nonetheless, members of Al-Qa’idah and the Taliban continued to move undetected across international boundaries, particularly in the areas adjacent to Afghanistan. They had sought shelter and hiding places in neighbouring countries or to transit those countries in order to reposition themselves or to return to their places of origin. Some reports indicated that Al-Qa’idah members had sought to enter Europe using falsified travel documents, travelling via well-established illegal immigration routes, including those extending from Central Asia and from Turkey and the Balkans into the rest of Europe.

The arms embargo continued to be a highly challenging and complex task for the Group, as it was imposed against people and entities rather than a specific territory. Furthermore, it dealt with individuals who had gone underground and were known to belong to secretive and violent terrorist organizations. Some of those individuals were in the border areas of Afghanistan and Pakistan. Those elements continued to engage the coalition forces in guerrilla skirmishes and were still a threat to the region. They were probably receiving weapons and ammunition, despite the arms embargo. The Group said that, in order for the arms embargo to be effective, the traditional smuggling networks, their usual routes and all the actors in the illicit arms trade, particularly those accustomed to operating in and out of Afghanistan, had to have their operations disrupted. Other elements of Al-Qa’idah were scattered all over the world and were hiding in urban centres, relying on local criminal gangs or loose regulations to obtain their weapons. In such cases, the imposition by States of more stringent arms regulations was necessary to deter the terrorists and their suppliers from easily obtaining their weapons through the open market.

In the December report, the Monitoring Group said that important progress had been made by a number of countries in identifying and breaking up Al-Qa’idah cells and/or arresting Al-Qa’idah associates during the period covered by the report. However, a large number of Al-Qa’idah operatives remained at large and had to be designated by States as terrorists. Several Governments had issued and/or reaffirmed warnings concerning possible further Al-Qa’idah attacks. The bombing on 12 October of a discotheque in Bali, Indonesia (see p. 50), by Jemaah Islamiyah—a group directly linked with Al-Qa’idah—and the car bombing of a hotel and the attempt to shoot down a commercial airliner in Kenya on 28 November (see p. 31) underscored the wide reach of Al-Qa’idah and the existence of a dangerous coalition of extremist groups in South-East Asia and others of like mind in East Africa. Additional information concerning Al-
Qa’idah was coming to light on a daily basis from many parts of the world, and that was assisting in the break-up of cells and helping to thwart Al-Qa’idah’s plans. The growing cooperation between Governments represented a significant step forward in the fight against that terrorist organization.

Without broad information-sharing, police investigative cooperation and the application of international system-wide financial controls, Al-Qa’idah would continue to be able to resist, recruit and rearm. Many countries remained reluctant to submit names to the Sanctions Committee for designation, or to give the UN consolidated list sufficient attention in their domestic measures to counter Al-Qa’idah and its associates. That approach had degraded the value of the list, which the Group considered to be one of the key instruments supporting international cooperation in the implementation of resolution 1390 (2002). The global effort to combat the financing of terrorism continued to face many challenges, stemming from the complexities of international financial transactions and the uneven application of regulatory and control measures. Many countries were imposing strict new anti-terrorism financial regulations on their domestic banking, correspondent banking and offshore financial centres. Nevertheless, Al-Qa’idah was still able to receive money. Occasionally, transactions were still routed through the international banking system. Efforts were under way to identify countries and institutions that needed resources in order to impose measures, and those that still lacked the will to do so. Al-Qa’idah had also adjusted its tactics to rely more heavily on local sources of funding.

Al-Qa’idah was able to move about in its various areas of operation, such as Europe and South-East Asia, or between Afghanistan and Pakistan. That was because a great many Al-Qa’idah operatives remained unidentified or, if identified, information on them had not been communicated sufficiently to other jurisdictions or provided to the Sanctions Committee for inclusion on the UN list. The borders in some of those areas were porous and/or difficult to monitor. In some cases, inadequate measures were in place to restrict such travel.

The application of the arms embargo presented a major challenge, as Al-Qa’idah continued to have access to substantial quantities of arms and explosives. While a number of seizures had been recorded, the weapons confiscated represented only a small amount. The Monitoring Group remained highly preoccupied by the risk of Al-Qa’idah acquiring weapons of mass destruction or a “dirty” bomb. The Group also observed that more could be achieved in the fight against Al-Qa’idah by strengthening resolution 1390 (2002) and by requesting States to be more proactive in the fight against Al-Qa’idah and its associates.

Communication (26 December). On 26 December [S/2002/1427], the Sanctions Committee transmitted to the Council President a 19 December letter from the Monitoring Group Chairman, requesting that annex IV to the Group’s September report be deleted.

Iraq

The stalemate between the United Nations and Iraq concerning Iraq’s refusal to allow the Organization to verify its compliance with weapons-related obligations came to an end in 2002, following the adoption on 8 November of Security Council resolution 1441 (2002). The resolution, among other things, noted that Iraq remained in material breach of its obligations under relevant Council resolutions, gave Iraq a final opportunity to comply with its disarmament obligations, and set time lines for the resumption of weapons inspections. Following Iraq’s acceptance of resolution 1441 (2002), the first UN team of inspectors resumed arms inspections on 27 November. Throughout the year, the Secretary-General, the Executive Director of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the Director General of the International Atomic Energy Agency (IAEA) held discussions with Iraqi officials on resuming the inspections regime. The stalemate had been precipitated by the withdrawal in December 1998 [YUN 1998, p. 292] of the United Nations Special Commission (UNSCOM) and IAEA—both mandated by the Council’s ceasefire resolution 687 (1991) [YUN 1991, p. 72] to disarm Iraq of its weapons of mass destruction and to ensure that it did not reconstitute or acquire them. UNMOVIC’s monitoring and verification responsibilities had been assumed in 2000 by UNMOVIC, which was established by resolution 1284 (1999) [YUN 1999, p. 23]. The Council received four quarterly reports on UNMOVIC activities and two biannual reports from IAEA.

The Secretary-General transmitted four reports on the repatriation or return of all Kuwaiti and third-country nationals from Iraq, and on the return of all Kuwaiti property seized by Iraq during the 1990 invasion and occupation of Kuwait [YUN 1990, p. 189]. In December, Iraq completed the return of the first batch of the Kuwaiti
archives under the auspices of the United Nations. The second handover was scheduled to take place in 2003. However, despite those encouraging developments, the return of Kuwaiti property remained incomplete.

The United Nations Iraq-Kuwait Observation Mission (UNIKOM) continued to carry out its functions of surveillance, control and investigation in the demilitarized zone between Iraq and Kuwait, and maintained liaison with authorities from both countries. The Council, on the Secretary-General’s recommendation, decided to maintain UNIKOM and to review its functions in 2003.

In the context of continuing sanctions against Iraq, the temporary arrangements for the humanitarian programme for the Iraqi people, based on an oil-for-food formula, was extended three times during the year—the first time for 180 days, the second time for nine days as a temporary measure to continue to provide for the Iraqi people, and the third time for a renewed 180-day period. In May, the Council adopted a revised goods review list and procedures for its application, the original versions of which were annexed to resolution 1382(2001) [YUN 2001, p. 308].

By decisions 57/519 and 57/520 of 4 December, the General Assembly deferred consideration of, respectively, armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system on the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security; and the consequences of Iraq’s occupation of and aggression against Kuwait. It included both items in the provisional agenda of its fifty-eighth (2003) session.

**UN Monitoring, Verification and Inspection Commission and IAEA activities**

**UNMOVIC**

After a four-year absence, UNMOVIC’s inspectors returned to Iraq on 25 November and, two days later, commenced weapons inspections activities, as mandated by Security Council resolution 1441(2002) (see p. 292) and other relevant resolutions. UNMOVIC’s Executive Chairman, Hans Blix, together with IAEA’s Director General, Mohamed ElBaradei, visited Iraq from 18 to 20 November to discuss practical arrangements for the resumption of inspections.

By a 13 December letter [S/2002/1381], the Secretary-General proposed to the Security Council that Olga Pellicer (Mexico) be appointed to the UNMOVIC College of Commissioners, replacing Malmi Marjatta Rautio (Finland). On 19 December [S/2002/1382], the Council President replied that the Council agreed with the Secretary-General’s proposal.

**Reports of UNMOVIC (February, May, September, November),** As called for in Security Council resolution 1284(1999) [YUN 1999, p. 230], UNMOVIC submitted to the Council, through the Secretary-General, four quarterly reports on its activities. Throughout the year, the Executive Chairman continued his practice of providing monthly briefings to the Council President and kept the Secretary-General informed about UNMOVIC’s preparatory activities. UNMOVIC staff training courses were held throughout the year.

The February report [S/2002/195], covering the period from 1 December 2001 to 28 February 2002, stated that, in accordance with Council resolution 1284(1999), UNMOVIC continued to plan for the establishment of a system of reinforced ongoing monitoring and verification, which would implement the plan approved by Council resolution 715(1991) [YUN 1991, p. 194], and to address unresolved disarmament issues. The UNMOVIC/IAEA joint unit continued to receive notifications from Member States of supplies to Iraq of dual-use items. Iraq had not, however, provided its corresponding declarations. The eighth session of the College of Commissioners (Geneva, 18–19 February) discussed, among other things, the implications for UNMOVIC in the event that the Council should adopt in 2002 the goods review list and the procedures for its application annexed to Council resolution 1382(2001) [YUN 2001, p. 308]. The College was also notified that, according to the Secretary-General of the League of Arab States (LAS), Iraq was ready to resume without any preconditions the dialogue with the United Nations. As on previous occasions, observers from IAEA and the Organization for the Prohibition of Chemical Weapons attended the session.

The May report [S/2002/606], which covered the period from 1 March to 31 May, stated that, with the passage of Council resolution 1409(2002) (see p. 304), which adopted the revised goods review list and revised procedures for its application, UNMOVIC’s role had been widened. In accordance with the new procedures, UNMOVIC and IAEA had to evaluate applications to be financed from the escrow account established pursuant to resolution 986(1995) [YUN 1995, p. 475], in order to determine whether the applications contained any item referred to in paragraph 24 of resolution 687(1991) [YUN 1991, p. 172] as it related to military commodities or products covered by the goods review list. UNMOVIC’s Executive Chairman briefed the College of Commissioners, at its
ninth session (Vienna, 29 May), on the March and May talks between the Secretary-General and Iraq’s Foreign Minister and the technical talks he himself had had with Iraqi experts on 2 May. The Chairman said that he had explained to the Iraqi experts how UNMOVIC planned to operate in Iraq and how he interpreted certain terms that arose in resolution 1284(1999). He also mentioned that the Commission’s expert staff was in the process of identifying unresolved disarmament issues as a basis for the later definition of key remaining disarmament tasks. In addition, he outlined the kinds of additional clarification that UNMOVIC might seek from Iraq. The next round of discussions with Iraqi officials was scheduled to be held on 4 and 5 July. In the light of the possible resumption of inspection work, the Commission’s experts continued to work on the delineation and classification of sites in Iraq that had been subject to inspections in the past and that might be in the future.

The September report [S/2002/981], which covered the period from 1 June to 31 August, noted that in the continued absence of inspections in Iraq, UNMOVIC had stepped up its efforts to utilize other sources of information, such as alternative sources for commercial satellite imagery, both to augment its assessments and to plan for the resumption of inspections. At the tenth session of the College of Commissioners (New York, 29-30 August), UNMOVIC’s Executive Chairman reported on the discussions held in Vienna in July between Iraq’s Minister for Foreign Affairs and the Secretary-General, in which he participated. The Chairman said that after the July meeting, by a 1 August letter to the Secretary-General, the Foreign Minister expressed Iraq’s desire to conduct a round of technical talks with UNMOVIC in Baghdad to review what had been accomplished during the period from May 1991 to December 1998, to look into the remaining issues as viewed by the former UNSCOM and to decide on the measures to resolve those issues when the inspection regime resumed in Iraq. The letter was discussed informally by the Secretary-General with Council members on 5 August. In a 6 August reply, the Secretary-General noted, among other things, that the most direct and appropriate way to resume the inspection process would be by holding talks at the expert level on practical arrangements for inspections, in compliance with relevant Council resolutions. The Secretary-General also drew attention to the terms of Council resolution 1284(1999), which directed UNMOVIC to draw up, no later than 60 days after it had started work in Iraq, for approval by the Council, a work programme that was to include the key remaining disarmament tasks to be completed by Iraq. The Secretary-General requested Iraq to confirm that it accepted the sequence of steps outlined in the letter and to issue a formal invitation to UNMOVIC. A second letter dated 15 August from Iraq (see p. 290) did not contain the formal invitation to UNMOVIC sought by the Secretary-General or an acceptance by Iraq of the sequence of steps that had been outlined by him. Iraq did, however, reaffirm its offer to take part in a further series of technical discussions.

The College noted that, in the three rounds of talks held in 2002 in the context of the Secretary-General’s dialogue with Iraq, UNMOVIC had explained in some detail how it was organized and how it planned to operate correct and effective inspections on behalf of the Council. Although no date had been fixed for a further meeting in the context of the disarmament dialogue, it was nevertheless hoped that the continued contacts between Iraq and the United Nations would lead to an early resumption of inspections in Iraq. It was also stressed that Iraq should follow the sequence of steps that had been outlined by the Secretary-General in his 6 August letter to Iraq’s Foreign Minister and prescribed with no ambiguity in resolution 1284(1999). The College was of the view that a formal invitation should be sent to UNMOVIC to resume inspections. It also noted that any talks held with Iraq prior to such invitation should focus on the acceptance by Iraq of the practical arrangements necessary for the resumption of inspections, in accordance with relevant Council resolutions and agreements; such clarification would help avoid misunderstandings during the start and operation of UNMOVIC inspections.

The November report [S/2002/1301] stated that the period under review (1 September–30 November) had been one of intense activity in preparation for the resumption of inspections and monitoring in Iraq following Iraq’s 16 September statement (see p. 290) that inspectors could return to Iraq without conditions, the subsequent adoption of Council resolution 1441(2002), which provided for a strengthened inspection regime, and Iraq’s confirmation on 13 November that it would implement the resolution (see p. 298). In Vienna, on 30 September and 1 October, UNMOVIC’s Executive Chairman, together with the IAEA Director General, held discussions with Iraqi counterparts on arrangements for the resumption of inspections, and reported to the Council thereafter (see p. 290). From 18 to 20 November, the Executive Chairman and the IAEA Director General travelled to Baghdad for talks with Iraqi officials on practical arrangements for the resumption of inspections, following the
adoption of resolution 1441(2002) (see p. 292). In parallel, technical and logistical personnel examined the former premises of UNSCOM and IAEA at the Canal Hotel in Baghdad (henceforth referred to as the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC)), and began to restore it as a secure operational centre for inspection activities in Iraq. In the course of discussions with Iraqi officials, the Executive Chairman stressed the fact that resolution 1441 (2002) had set time lines for the resumption of inspections and required Iraq to make, within 30 days of the resolution’s date, an accurate, full and complete declaration of all aspects of its programmes of weapons of mass destruction and the means for their delivery, as well as of programmes claimed to be for non-weapon purposes in the chemical, biological and nuclear fields. In addition, the Executive Chairman gave the Iraqi delegation a note with questions and comments prepared by UNMOVIC as part of the analysis of the backlog of semi-annual declarations, which the Iraqi side had handed over in Vienna on 1 October. On 25 November, the Executive Chairman briefed the Council on the visit to Baghdad. The first UNMOVIC team, comprising 11 inspectors, arrived in Iraq on 25 November. The experts from the Commission’s headquarters in New York covered the three areas (biological, chemical and missile) for which UNMOVIC was responsible. The first inspection was scheduled for 27 November, well in advance of the 45-day time limit set out in resolution 1441(2002) for the resumption of inspections. That team would be followed by additional groups of inspectors; about 100 inspectors plus support staff were expected to be in Iraq by the end of December. On 17 October, following the resignation of a Commissioner, the Secretary-General appointed Bryan Wells (United Kingdom) as a member of the College of Commissioners. At a special session of the College of Commissioners (New York, 18 October), the Executive Chairman gave a report on UNMOVIC’s activities since August. At its eleventh session (New York, 26 November), the College of Commissioners welcomed the unanimous adoption of resolution 1441(2002) and discussed, among other things, the various ways in which it would fulfil the mandate entrusted to it by that resolution.

In a later report [S/2003/232], the Executive Chairman said that inspections and monitoring were resumed on 27 November, requiring a rapid build-up of inspection and support staff and the resolution of operational and logistics issues. The Chairman briefed the Council informally on 19 December on the declaration presented by Iraq on 7 December, in response to paragraph 3 of resolution 1441(2002), and on the progress of inspections on the ground. UNMOVIC experts found little new significant information in the part of the declaration relating to prescribed weapons programmes, nor much new supporting documentation or other evidence. New evidence, on the other hand, was provided concerning non-weapons-related activities since the end of 1998, especially in the biological field and on missile development. The part that covered biological weapons was essentially a reorganized version of a previous declaration provided by Iraq to UNSCOM in September 1997. In the chemical weapons area, the basis of the report was a declaration submitted by Iraq in 1996 with subsequent updates and explanations. In the missile field, the declaration followed the same format, and had largely the same content as Iraq’s 1996 missile declaration and updates. However, some sections contained new information. In the chemical weapons field, Iraq further explained its account of the material balance of precursors for chemical warfare agents, although it did not settle unresolved issues on that subject. In the missile area, there was a good deal of information regarding Iraq’s activities in the past few years. A series of new projects had been declared that were at various stages of development. As there was little new substantive information in the weapons part of Iraq’s declaration, or new supporting documentation, the issues that were identified as unresolved in the March 1999 Amorim report [YUN 1999, p. 229] and in UNSCOM’s January 1999 report [ibid., p. 226] remained. In most cases, the issues remained unresolved because there was a lack of supporting evidence, such as documentation and testimony by individuals who took part in the activities. In December, UNMOVIC asked Iraq to provide, under the fourth subparagraph of paragraph 7 of resolution 1441 (2002), the names of all personnel associated with some aspects of Iraq’s programme of weapons of mass destruction and ballistic missiles. The Iraqi response, received at the end of December, was deemed to be inadequate, as it did not even include all those who had been previously listed in Iraq’s full, final and complete declaration. On 19 December, the Secretary-General appointed a new member to the College of Commissioners, as a replacement for a previous resignation.

IAEA

IAEA reports (April and October). In accordance with Security Council resolution 1033(1996) [YUN 1996, p. 218], IAEA submitted to the Council, through the Secretary-General, two consolidated six-monthly reports, on 9 April [S/2002/367] and
15 October [S/2002/1506], on the Agency’s verification activities in Iraq.

In April, the Agency said that it had not been in a position, since its withdrawal from Iraq on 16 December 1998 [YUN 1998, p. 267], to implement its mandate in Iraq. As it had for the preceding two years, IAEA carried out, in January 2002, a verification of the declared nuclear material in Iraq, in accordance with the safeguards agreement concluded between Iraq and IAEA, pursuant to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, adopted by the General Assembly in resolution 2625(XVII) [YUN 1968, p. 17]. With the cooperation of the Iraqi authorities, Agency inspectors were able to verify the presence of the declared nuclear material remaining in Iraq that was subject to safeguards. However, such inspections did not serve as a substitute for the verification activities required by relevant Council resolutions, nor did they provide the assurances that Iraq was in compliance with its obligations under those resolutions. In the light of Council resolution 1382(2001) [YUN 2001, p. 308], the Agency had established working contacts with UNMOVIC, the Office of the Iraq Programme (OIP) and Member States in order to review the various measures to be implemented by IAEA and its counterparts in fulfilling that new mandate, requiring, in particular, the review and assessment of contracts for dual-use items of possible nuclear application.

In October, the Agency reported that it had still not been in a position to implement its mandate, though it remained prepared to resume its verification activities in Iraq at short notice. IAEA’s Director General, together with UNMOVIC’s Executive Chairman, had participated in the second and third rounds of talks between the Secretary-General and senior Iraqi officials in May and July 2002, and held talks on 30 September and 1 October in Vienna with Iraqi authorities on practical arrangements for the resumption of inspections (see p. 287). In the course of those discussions, Iraq provided IAEA with a CD-ROM containing the backlog of its semi-annual declarations required by the Agency’s plan for ongoing monitoring and verification. The results of those talks were reported to the Security Council at its informal session on 3 October. At the request of Council members, UNMOVIC’s Executive Chairman and IAEA’s Director General documented those results in the form of a joint letter to Iraq, listing the conclusions they had drawn from the Vienna talks and seeking Iraqi confirmation thereof. While Iraq’s responses of 10 and 12 October confirmed the desired understanding of the majority of practical arrangements, some points were not covered. In its resolution 1409(2002) (see p. 304), the Council requested IAEA to evaluate applications submitted to OIP related to the export of products and commodities to Iraq. IAEA was responsible for identifying nuclear-related items referred to in Council resolution 687(1991) [YUN 1991, p. 172] or in the goods review list, to determine whether such items were either prohibited or required prior approval by the Security Council Committee established by resolution 661(1990) [YUN 1990, p. 192] concerning the situation between Iraq and Kuwait. Close coordination of efforts with UNMOVIC and OIP had permitted the establishment of an efficient mechanism for performing that task. IAEA was required to complete its evaluation of each application within 10 days. In the light of that requirement and the workload placed on the Agency by the need to process a large number of contracts, IAEA had taken steps to increase its human resources and information technology support.

In a later report [S/2003/422], the Agency noted that, as at 27 November, it was able to resume the implementation of its mandate in Iraq following the adoption of Council resolution 1441(2002) (see p. 292). IAEA’s Director General, together with UNMOVIC’s Executive Chairman, visited Iraq on 18 and 19 November and held technical discussions with their Iraqi counterparts in preparation for the resumption of the inspections regime. The meeting resulted in substantive cooperation on the part of Iraq and affirmations that it was committed to providing the cooperation required by the relevant resolutions. On 18 November, an advance IAEA team commenced work at BOMVIC to re-establish the IAEA field office, with logistical support from UNMOVIC. By the time the first group of inspectors arrived on 25 November, office space, the radiometric measurement laboratory, a secure computer network and the telecommunication systems were in place.

In October, Iraq submitted an improved semi-annual declaration for the period June 1998 to July 2002. In response to paragraph 3 of resolution 1441(2002), Iraq also submitted its “currently accurate, full and complete declaration” to IAEA on 7 December. The Iraqi declaration was consistent with IAEA’s existing understanding of Iraq’s pre-1991 nuclear programme; however, it did not provide any significant new information relevant to the questions and concerns outstanding since December 1998, particularly regarding Iraq’s progress prior to 1991 related to weapons design and centrifuge development, and to external assistance. Since November 2002, Iraqi authorities had provided access to all facilities requested by IAEA, including presidential compounds, private residences and new sites, with-
out condition or delay. On 19 December, the Director General updated the Council on the Agency’s inspection progress. By the end of the year, IAEA was still carrying out its inspections and assessing Iraq’s nuclear-related capabilities.

Resumption of inspections

Communications (August-October). On 15 August [S/2002/999], Iraq transmitted the response of its Minister for Foreign Affairs to the Secretary-General’s 6 August letter concerning Iraq’s proposal for holding a series of technical discussions between Iraq and UNMOVIC. Attached to Iraq’s letter were the 19 questions it had raised at the March talks with the Secretary-General (see p. 287). In those questions, Iraq asked the Security Council to address the matter of its obligations towards Iraq, as set down in its own resolutions, with regard to lifting the embargo imposed against Iraq, among other things. During the discussions held in May, Iraq was surprised to find out that the Council had not replied to any of its questions. In the July discussions in Vienna, progress was made with respect to the restitution of Kuwaiti documents (see p. 298) and on technical discussions with IAEA.

By a 1 August letter to the Secretary-General, Iraq proposed holding technical discussions with UNMOVIC, to review what had been accomplished during the period from 1991 to 1998 and to resolve the tasks that UNSCOM had listed as not having been completed as at 15 December 1998. Iraq had thus committed itself to a dialogue with the United Nations.

On 16 September [S/2002/1034], the Secretary-General informed the Council President that on that day the Iraqi Foreign Minister had notified him that the Iraqi Government had decided to allow the return of UN weapons inspectors to Iraq without conditions and that it was ready to discuss the practical arrangements necessary for the immediate resumption of inspections. That decision was the indispensable first step towards an assurance that Iraq no longer possessed weapons of mass destruction and towards a comprehensive solution that included the suspension and eventual ending of the sanctions regime. Annexed to the Secretary-General’s letter was a copy of the Iraqi Foreign Minister’s letter.

On 24 September [S/2002/1067], the United Kingdom submitted to the Council President its assessment of Iraq’s programmes for developing weapons of mass destruction. It stated that new intelligence showed how Iraq had developed chemical and biological weapons, acquired missiles capable of attacking neighbouring countries with those weapons and persistently tried to develop a nuclear bomb. The United Kingdom said that there was an urgent need for a further concentrated international effort under UN auspices to ensure that Iraq’s weapons of mass destruction could no longer pose an international threat. That task would not be an easy one since Iraq was still making arrangements to conceal those weapons. The international community needed to keep up the pressure on Iraq to ensure that it granted UN weapons inspectors the immediate and unfettered access demanded by relevant Council resolutions. The Council should adopt a new resolution to reinforce the international community’s determination that Iraq should comply with its obligations.

On 3 October [S/2002/1108], South Africa, on behalf of the Non-Aligned Movement, welcomed the assurances given by Iraq that unrestricted access would be granted to UN inspectors. It also emphasized the need for a peaceful solution with regard to the issue of Iraq in a way that preserved the authority and credibility of the UN Charter and international law.

Security Council consideration. At the request of South Africa, on behalf of the Non-Aligned Movement [S/2002/1132], the Security Council, on 16 and 17 October, held an open debate on the situation in Iraq [meeting 4625]. LAS, at the request of the Syrian Arab Republic [S/2002/1110], the Organization of the Islamic Conference (OIC), at the request of the Sudan [S/2002/1148], and the Permanent Observer of Palestine, at his own request [S/2002/1147], participated in the discussion without the right to vote.

In a statement read on his behalf by the UN Deputy Secretary-General, the Secretary-General appealed to all who might have influence with Iraq’s leaders to impress on them the importance of accepting the weapons inspections. He referred to the President of the United States speech to the General Assembly on 12 September [A/57/PV.2], in which he insisted that Iraq comply with its obligations under the Council’s resolutions; a large number of other States joined in that appeal. Following Iraq’s 16 September decision to allow the return of UN weapons inspectors without conditions (see above), UNMOVIC’s Executive Chairman and IAEA’s Director General, on 30 September and 1 October (see p. 287), met with Iraqi officials to discuss the practical arrangements for the resumption of inspections. The Secretary-General said that full compliance remained indispensable, and that had not yet happened. Weapons inspectors would be returning to Iraq after a four-year absence, under a new structure and new leadership, to verify the implementation of the disarmament programme. The inspectors had to have unfettered access, and the Council would expect nothing...
The Council might choose to pass a new resolution strengthening the inspectors’ hands so as to remove any weaknesses or ambiguities. The new measures had to be firm, effective, credible and reasonable. If Iraq failed to make use of that last chance, and if defiance continued, the Council would have to face its responsibilities. The Secretary-General urged Council members not to allow themselves to be divided, but to act in unison, so as not to undermine the Organization’s credibility and in order to achieve its objectives, which had to be every way to bring Iraq to a peaceful fulfilment of the 1991 Gulf war ceasefire, yet the Iraqi regime had violated all of its obligations.

The representative of OIC said that Iraq’s defiance of Council resolutions had also listed the steps that Iraq had to take if it wanted peace and stated that the United States would work with the Council to hold Iraq accountable. President Bush’s speech was a declaration of purpose, not a declaration of war. It placed the United Nations in the spotlight and challenged the international community to restore the Council’s relevance on that issue by confronting Iraq’s violation of its obligations under relevant Council resolutions; specifying the type of access and authorities that UNMOVIC and IAEA had to have to be able to verify Iraq’s disarmament effectively; and made clear Iraq’s obligations and articulated to Iraq that there would be consequences of non-compliance. The United States believed that the best way to ensure Iraq’s compliance was through one resolution that was firm and unambiguous in its message.

France said that, even though it did not possess irrefutable proof, there were several indications that Iraq had used the period since December 1998 to pursue or resume its prohibited programmes, notably in the chemical and biological areas. The proliferation of weapons of mass destruction and their delivery systems, in Iraq or elsewhere, constituted a serious threat to international security. In the face of that challenge, it was the Council’s duty to place firmness and lucidity in the service of a common objective. For France, that objective was the disarmament of Iraq. That implied the return of the inspectors and the resumption of monitoring on the ground. France was proposing a two-stage approach. During the first stage, the Council had to adopt a resolution specifying the rules of the game. It would define the inspection regime with a view to ensuring that the inspectors could accomplish their mission fully and without any hindrance. During the second stage, if UNMOVIC or IAEA observed that Iraq was refusing to cooperate fully with the inspectors, the Council would meet immediately to decide on the appropriate measures to take, without ruling out anything beforehand. France believed that only a two-stage approach would allow the international community to preserve the Council’s unity; any kind of “automaticity” in the use of force would profoundly divide the Council.

Iraq said that it had full confidence in the UN inspectors and that they were welcome to return to Iraq on 19 October. It also added that everything that had been said about the issue of weapons of mass destruction had been part of a disinformation campaign; Iraq had no such materials. Iraq also reaffirmed that it would not hinder the inspectors’ work.

On 24 October [S/2002/195], Iraq informed the Secretary-General that it was committed to its undertakings and obligations relating to the resumption of UN inspections in Iraq. It also said that the United States had prevented the inspec-
tors from travelling to Iraq on 19 October because the inspection teams would have revealed the falsity of the allegations made against Iraq by the United States.

SECURITY COUNCIL ACTION (8 November)


The Security Council,


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 is a necessary first step towards 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 inspec-
tion 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, as well as all other chemical, biological and nuclear weapon 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 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 and the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

—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 1151(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

—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 paragraph 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.

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. 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 to 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.
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 airspace 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 an-other 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 (Signed) Mohamed ELBARADEI
Executive Chairman Director General
United Nations Monitoring, International Atomic
Verification and Inspection Commission Energy Agency

Speaking after the vote, the Secretary-General said that the resolution had strengthened the cause of peace and given impetus to the search for security in an increasingly dangerous world. It set out in clear terms Iraq’s obligation to co-operate with the United Nations in ensuring the full and final disarmament of its weapons of mass destruction and left no doubt as to what those obligations were or to how they had to be fulfilled. The Secretary-General urged the Iraqi leadership to seize the new opportunity to comply with all relevant Council resolutions. If Iraq’s defiance continued, however, the Council would have to face its responsibilities. The resolution was based on law, collective effort and the unique legitimacy of the United Nations. It also represented an example of multilateral diplomacy serving the cause of peace and security. Empowered by that resolution, UNMOVIC and IAEA stood equipped to carry out their vital tasks. To succeed, they would require full and unconditional cooperation on the part of Iraq and the continued determination of the international community to pursue its common aim in a united way. It was a time of trial for Iraq, the United Nations and the world. The goal was to ensure the peaceful disarmament of Iraq, in compliance with Council resolutions, and a better, more secure future for its people.

The United States said that the resolution confirmed that Iraq had been and remained in violation of disarmament obligations and gave UNMOVIC and IAEA a new mandate. Its core gave the inspectors immediate and unimpeded access to every site, including presidential and other sensitive sites, structures or vehicles they chose to inspect and equally immediate and unimpeded access to people they wished to interview. The resolution contained no “hidden triggers” and no “automaticity” with respect to the use of force. If there was a further Iraqi breach, reported to the Council by UNMOVIC, IAEA or a Member State, the matter would return to the Council for discussions as required in paragraph 12. The resolution made clear that any Iraqi failure to comply was unacceptable and that Iraq had to be disarmed. If the Council failed to act decisively in the event of further Iraqi violations, the resolution did not constrain any Member State from acting to defend itself against the threat posed by Iraq or to enforce relevant UN resolutions.

France said that its main and constant objective throughout the negotiations that had just concluded was to strengthen the role and authority of the Council, and that was reflected in its request for the establishment of a two-stage approach, ensuring that the Council would maintain control of the process at each stage. That objective had been attained: in the event that UNMOVIC’s Executive Chairman or IAEA’s Director General reported to the Council that Iraq had not complied with its obligations, the Council would meet immediately to evaluate the
seriousness of the violations and draw the appropriate conclusions. France welcomed the fact that all ambiguity on that point and all elements of automaticity had disappeared from the resolution. The resolution also gave the Executive Chairman and the Director General a clear mandate and stronger authority to carry out their mission. The inspectors would have to count on the complete cooperation of the Iraqi authorities to verify that Iraq did not have weapons of mass destruction and to ensure its disarmament. Within seven days, Iraq had to unambiguously state its decision to apply the resolution in full and to cooperate actively with the inspectors. It also had to provide, within 30 days, a declaration that would facilitate their work.

The Syrian Arab Republic said it had voted in favour of the resolution, having received reassurances from its sponsors, the United Kingdom and the Russian Federation through high-level contacts, that it would not be used as a pretext for striking against Iraq. The resolution reaffirmed the Council’s central role in addressing all phases of the Iraqi issue and did not authorize any State to use force.

Communications (November/December). By an 8 November letter [S/2002/1236] to the Council President, China, France and the Russian Federation said that resolution 1441(2002) excluded any automaticity in the use of force. In that regard, they expressed satisfaction with the declarations made by the United Kingdom and the United States confirming that understanding in their explanations of vote, and assuring that the goal of the resolution was the full implementation of existing Council resolutions on disarmament of Iraq’s weapons of mass destruction. In case of failure by Iraq to comply with its obligations, the provisions of paragraphs 4, 11 and 12 would apply. Such failure would be reported to the Council by UNMOVIC’s Executive Chairman or IAEA’s Director General. It would then be for the Council to take a position on the basis of that report. Therefore, the resolution fully respected the competences of the Council in the maintenance of international peace and security.

On 11 November [S/2002/1258], LAS submitted to the Council President a resolution concerning Iraq, adopted by the Council of Arab Foreign Ministers of LAS at its extraordinary session (Cairo, Egypt, 10 November). The Ministers welcomed the provisions of resolution 1441(2002), whereby the Council was the competent authority to evaluate the inspectors' reports and took into consideration the statements made before the Council according to which that resolution did not constitute a basis for recourse to the use of military force against Iraq. They also welcomed Iraq’s unconditional acceptance of the inspectors’ return.

On 13 November [S/2002/1242], the Secretary-General transmitted to the Council President a communication that he had received that day from the Iraqi Minister for Foreign Affairs, who stated that Iraq would deal with Council resolution 1441(2002) despite its iniquitous contents. Consequently, Iraq was ready to receive the UN inspectors, and concerned Iraqi bodies and officials would cooperate with them.

On 14 November [S/2002/1275], Denmark, on behalf of the EU, welcomed the unanimous adoption of resolution 1441(2002), which was an important step towards the elimination of Iraq’s weapons of mass destruction.

On 25 November [S/2002/1294], the Secretary-General transmitted to the Council President a 23 November letter from the Iraqi Foreign Minister, who reviewed each paragraph of resolution 1441(2002) and stated that the resolution was inconsistent, among other things, with international law and the UN Charter.


On 11 December [S/2002/1357], the Syrian Arab Republic expressed indignation over a violation of Council procedures, which did not permit the President to issue a statement on his own responsibility, especially since the prior consultations revealed a lack of consensus on its contents. The press statement [SC/7590], of 8 December, said that the Council Presidency had decided to allow access to the Iraqi declaration, pursuant to resolution 1441(2002), to those Council members with the expertise to assess the risks of proliferation and other sensitive information.

Iraq-Kuwait

Communication (December). On 9 December [S/2002/1350], Kuwait informed the Secretary-
General that, in a 7 December letter to the Kuwaiti people, Iraq had expressed hostile intentions.

**POWs, Kuwaiti property and missing persons**

Reports of Secretary-General (April, June, August, December). Pursuant to Council resolution 1284(1999) [YUN 1999, p. 250], the Secretary-General submitted reports in April [S/2002/419], June [S/2002/664], August [S/2002/931] and December [S/2002/1549] on compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains, and on the return of all Kuwaiti property, including archives, seized by Iraq during its occupation of Kuwait, which began in August 1990 [YUN 1990, p. 189].

In April, the Secretary-General observed that, although no tangible progress had been achieved on the repatriation or return by Iraq of all Kuwaiti and third-country nationals, recent developments provided reasons for guarded optimism. In the outcome of the Arab League summit (Beirut, Lebanon, 27-28 March), which the Secretary-General attended, positive signs emerged in the relations among Iraq, Kuwait and Saudi Arabia. Kuwait had, in fact, expressed satisfaction with the text of the summit’s declaration, which referred to seeking an expeditious and definitive solution to the issue of Kuwaiti prisoners and cooperation regarding the list provided by Iraq of all its missing persons through the International Committee of the Red Cross (ICRC). Iraq had also expressed optimism about a rapprochement with Kuwait. The Secretary-General welcomed ICRC’s efforts to resolve the humanitarian issue of missing persons and stressed that the Tripartite Commission remained the most appropriate mechanism to deal with the issue. At its regular meeting in March, the Commission discussed, among other things, the case of missing navy pilot Lieutenant Commander Michael Speicher (United States), who had been declared killed in action in 1991. An annex to the Secretary-General’s report provided greater detail on the Speicher case, such as the fact that, in March 2002, Iraq had expressed its readiness to receive a United States team to look into the fate of the missing pilot. The Commission, established in 1991 under ICRC auspices, dealt with the question of persons still unaccounted for, and was made up of representatives of France, Iraq, Kuwait, Saudi Arabia, the United Kingdom and the United States. A Technical Subcommittee was established in 1994 to expedite the search for all persons for whom inquiry files had been opened. However, at the end of 1998, Iraq decided not to participate in the Commission’s work, arguing that it no longer held captive Kuwaiti prisoners in its territory and, thus, the issue had become one of missing persons, not prisoners of war (POWs).

The high-level Coordinator for compliance by Iraq with its obligations regarding the return of Kuwaiti nationals and property, Yuli M. Vorontsov (Russian Federation), continued to visit countries and regional organizations in pursuit of his efforts to resolve the outstanding humanitarian and property issues. In February, the Coordinator sent a letter to the Permanent Representative of Iraq to the United Nations, in which he requested a meeting with Iraq’s Foreign Minister. The Coordinator noted that the establishment of direct contacts between Iraq and himself could facilitate a solution to the humanitarian issue. He attached a self-explanatory text on the issue of the missing Iraqi nationals, prepared in response to numerous letters from Iraq on the subject. A summary of the attachment was contained in an annex to the Secretary-General’s report.

The Secretary-General, on 7 March, met in New York with Iraq’s Foreign Minister and discussed, among other things, the issue of repatriation of all Kuwaiti and third-country nationals. The Minister stated that Iraq had returned all POWs and offered its cooperation to investigate the fate of all those missing in action. He also noted that 1,137 Iraqis were missing and that Iraq was willing to address that issue on a bilateral level with Kuwait, with the assistance of ICRC. On 8 March, the Secretary-General briefed the Security Council on his discussions with the Iraqi Foreign Minister.

In his June report, the Secretary-General said that after many years of dashed hopes, it appeared that some substantive progress regarding the return of Kuwaiti property could be made. Iraq had, in fact, expressed its intention to him and to the Secretary-General of the League of Arab States (LAS) to return documents belonging to the Kuwaiti national archives. The Secretary-General held another round of discussions with Iraq’s Foreign Minister from 1 to 3 May in New York, during which he emphasized that the Security Council would continue to pursue the issue of Kuwaiti properties. On 3 May, while briefing the Council on the discussions with the Iraqi Foreign Minister, he said the LAS Secretary-General had reached an understanding with Iraqi authorities whereby Iraq pledged to return nearly 90 per cent of the Kuwaiti national archives. Council members pointed out that the return of the archives in its entirety should become a prelude to the resolution of all outstanding humanitarian problems between Iraq and Kuwait and would be seen as a substantial gesture by Iraq.

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31 May, the Secretary-General proposed to Kuwait and Iraq the re-establishment of a mechanism previously used for the return of property, based on his March 1994 [YUN 949, p. 476] and December 1996 [YUN 996, p. 234] reports on the subject. Both Governments concurred with his proposal.

In August, the Secretary-General said there had not been much progress on the issue of repatriation or return of all Kuwaiti and third-country nationals, as Iraq refused to cooperate with the Tripartite Commission. Despite the encouraging agreements at the Arab summit in Beirut, Iraq’s words on the fate of the missing persons were yet to be matched by tangible deeds. The Coordinator continued to pursue actively the matter of missing persons. The Tripartite Commission met in Geneva from 1 to 3 July, and agreed to make every possible effort to resolve the humanitarian issue by helping to restore dialogue between the parties. The Secretary-General held talks with the Iraqi Foreign Minister on 4 and 5 July in Vienna. On 8 July, the Secretary-General’s Chef de Cabinet briefed the Council on the Vienna round of talks. On the issue of repatriation or return of Kuwaiti and third-country nationals, he stated that Iraq had announced that ICRC had formulated a proposal to try to resolve the humanitarian problem through a bilateral Iraq-Kuwait mechanism functioning under ICRC auspices. The Council expressed the hope that the positive signs showed by Iraq regarding the return of the Kuwaiti national archives would be carried over to the issue of missing persons.

In December, the Secretary-General said that, on the issue of the return of the Kuwaiti archives, some encouraging developments had taken place. Iraq had returned a first batch of documents in October and a practical mechanism for the return of other Kuwaiti property had been re-established. The Government of Kuwait was still scrutinizing the returned documents, while Iraq had confirmed that any Kuwaiti items or documents that were found subsequently could be returned in the same way. On the issue of repatriation of missing Kuwaiti and third-country nationals, progress had been limited despite some new positive elements. Iraq had informed LAS of its intention to resume participation in the Tripartite Commission’s Technical Subcommittee. In addition, on 11 December, the Iraqi Foreign Minister expressed his willingness to meet with the Coordinator in Baghdad. The Secretary-General maintained a dialogue with high-level Iraqi officials during the reporting period, while the Coordinator continued contacts with LAS and other international organizations. The Tripartite Commission met in Geneva on 23 and 24 October and expressed the hope that Iraq would adopt a well-intentioned approach to the humanitarian issue of the POWs. In mid-August, a small team of UN staff arrived in Baghdad to discuss with Iraqi officials the modalities for the return of archives and related documents. The actual transfer, which began on 20 October, was completed on 29 October, sooner than had been anticipated, primarily because of the Kuwaiti decision not to inspect the documents at the transfer site. In total, 425 boxes and 1,158 bags were transferred to Kuwait; the United Nations arranged the transfer, while LAS representatives witnessed the procedures. On 18 December, the Coordinator briefed the Council on the handover of the archives.

In a later report [S/2003/419], the Secretary-General said that, on 18 December, an Iraqi delegation participated on the sidelines of the Tripartite Commission’s meeting in Geneva. That was the first time Iraq had participated in such a meeting since it decided to boycott the Commission in 1998. The Coordinator held a number of meetings with Kuwaiti, Iraqi and United States officials in preparation for his 2003 trip to the region.

Communications. On 15 January [S/2002/60], Iraq informed the Secretary-General that it was ready to cooperate with Kuwait, under ICRC supervision, on the missing persons issue.

In a 15 April letter to the Secretary-General [S/2002/127], Kuwait said that the creation of a climate of trust and confidence with Iraq had to be translated into specific tangible steps, including provisions for the return of all Kuwaiti property, especially the State archives.

On 6 November [S/2002/127], Iraq informed the Secretary-General that the handover of the Kuwaiti archives had been completed.

By an 18 November letter [S/2002/1275], Kuwait informed the Secretary-General that, from a preliminary examination, the documents handed over by Iraq were of a routine character and did not in any way amount to what could be considered State archives. Accordingly, Kuwait did not agree that the issue of its national archives should be closed.

On 25 November [S/2002/1294], the Secretary-General transmitted to the Council President a letter that he had received from the Iraqi Foreign Minister. Among other things, the Minister said that the Kuwaiti archives had been handed over to Kuwaiti authorities during the period from 19 to 29 October. In response, Kuwait said, on 23 December [S/2002/1142], that an examination of the documents handed over by Iraq showed that
they consisted of routine correspondence and, thus, could not be regarded as State archives.

On 31 December [S/2002/407], Iraq informed the Secretary-General that on 22 December it had handed over to Kuwait additional Kuwaiti property that had been located by Iraqi customs authorities. A list of the items was annexed to the letter.

**UN Iraq-Kuwait Observation Mission**


UNIKOM operations involved surveillance, control, investigation and liaison. Surveillance of the demilitarized zone (DMZ), an area about 200 to 240 kilometres long and extending 10 kilometres into Iraq and 5 kilometres into Kuwait, was based on ground and air patrols and observation points. Patrolling by boat in the waterway was significantly reduced after Iraqi authorities denied UNIKOM the use of a pier on 26 June. Control operations included static checkpoints, random checks and maintenance of a mobile reserve force. For operational purposes, the DMZ was divided into the northern, southern and maritime sectors, with seven, six and three patrol and observation bases, respectively. Investigation teams were stationed in those sectors and at UNIKOM headquarters. Continued liaison was maintained with Iraqi and Kuwaiti authorities at all levels.

The military observers were responsible for patrol, observation, investigation and liaison activities. The infantry battalion was deployed at Camp Khor, Kuwait, with two companies deployed in Camp Abdally and Camp Sierra in the northern and southern DMZ sectors. The battalion conducted patrols within the sectors and manned checkpoints at border-crossing sites, making random checks in cooperation with Iraqi and Kuwaiti liaison officers. It also provided security for UNIKOM personnel and installations.

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

**Reports of Secretary-General (March and September).** UNIKOM’s activities were described in two reports of the Secretary-General, covering the periods 25 September 2001 to 20 March 2002 [S/2002/323] and 21 March to 15 September 2002 [S/2002/1039]. The reports noted that the situation in the DMZ remained generally calm. However, UNIKOM was operating in an uncertain environment, due to the political and military developments in the region. An incident involving the capture of a Kuwaiti citizen who crossed the border in a convoy led by a UNIKOM vehicle, which had taken a wrong turn, was resolved on 27 March, when the Iraqi Government decided to release him (see below).

DMZ violations totalled 437 during the first reporting period and decreased to 278 during the second. Most of the air violations involved jet aircraft that were heard, but were flying at altitudes too high to be observed or identified. Iraqi authorities lodged all of the 118 complaints received by UNIKOM during the reporting periods. Of the incidents reported by UNIKOM, several concerned occasions when Iraqi youths threw stones at UN vehicles.

The Secretary-General observed that UNIKOM would continue to be vigilant, making the necessary arrangements to maintain its operational effectiveness, while also making contingency arrangements for any eventuality that could occur in its area of responsibility. In view of its continued contribution to the maintenance of calm and stability in the DMZ, he recommended that UNIKOM be maintained.

**Communication.** On 23 March [S/2002/311], Kuwait informed the Security Council President that a Kuwaiti national had been detained by Iraqi police after he had entered Iraqi territory by mistake, due to the miscalculations of a UNIKOM staff member. Iraq, as a condition for releasing the Kuwaiti national, was demanding that Kuwait should release Iraqi prisoners who allegedly entered Kuwaiti territory by mistake. Kuwait appreciated the efforts made by the United Nations, LAS and ICRC to resolve the issue.

**Security Council action.** The Security Council informed the Secretary-General on 4 April [S/2002/946] and on 3 October [S/2002/1109] that, in the light of his reports, it concurred with his recommendation that UNIKOM be maintained. The Council would review the question again by 6 April 2003.

On 2 October [meeting 467], the Council held a closed meeting and had a constructive exchange of views with representatives of troop-contributing countries to UNIKOM.

**Composition**

As at 15 September, UNIKOM had an overall strength of 1,327, comprising 194 military observers from 31 Member States; an infantry battalion of 775 from Bangladesh; 130 support personnel, including a 42-member engineering unit and a 38-member logistics unit from Argentina, a helicopter unit of 36 from Bangladesh and a medical
unit of 14 from Germany; plus a civilian staff of 228, of whom 60 were recruited internationally.

Financing

On 27 June [meeting 105], the General Assembly considered the Secretary-General’s reports on the financial performance of UNIKOM for the period 1 July 2000 to 30 June 2001 [A/56/794 & Corr.1] and its proposed budget for 1 July 2002 to 30 June 2003 [A/56/820], together with the related report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/56/887/ Add.5]. On the recommendation of the Fifth (Administrative and Budgetary) Committee [A/56/960], the Assembly adopted resolution 56/297 without vote [agenda item 179 (a)].

Financing of the United Nations Iraq-Kuwait Observation Mission

The General Assembly,

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


Recalling also its resolution 45/280 of 3 May 1991 on the financing of the Observation Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 55/220 of 14 June 2000,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 57/45-IV of 27 June 1993, 50/XXVIII of 23 December 1995, 55/235 of 23 December 2000,

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

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

1. Takes note of the status of contributions to the United Nations Iraq-Kuwait Observation Mission as at 30 April 2002, including the contributions outstanding in the amount of 13 million United States dollars, representing some 4 per cent of the total assessed contributions, notes with concern that only fifty-four Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;
2. Expresses its continued appreciation of the decision of the Government of Kuwait to defray two thirds of the cost of the Observation Mission, effective 1 November 1993;
3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;
4. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;
5. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the Observation Mission in full and on time;
6. Expresses concern at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;
7. Emphasizes that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;
8. Also emphasizes that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;
9. Reiterates its request to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Observation Mission;
10. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;
11. Requests the Secretary-General to take all necessary action to ensure that the Observation Mission is administered with a maximum of efficiency and economy;
12. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Observation Mission against General Service posts, commensurate with the requirements of the Observation Mission;

Financial performance report for the period from 1 July 2000 to 30 June 2001

13. Takes note of the report of the Secretary-General on the financial performance of the Observation Mission for the period from 1 July 2000 to 30 June 2001;

Budget estimates for the period from 1 July 2002 to 30 June 2003

14. Decides to appropriate to the Special Account for the United Nations Iraq-Kuwait Observation Mission the amount of 52,866,800 dollars for the period from 1 July 2002 to 30 June 2003, inclusive of 50,573,200 dollars for the maintenance of the Observation Mission, 2,048,200 dollars for the support account for peacekeeping operations and 245,400 dollars for the United Nations Logistics Base;

Financing of the appropriation

15. Notes with appreciation that a two-thirds share of the appropriation, equivalent to 35,244,600 dollars, will be funded through voluntary contributions from the Government of Kuwait, this amount to be partially offset by its share of the estimated staff assessment income in the amount of 1,685,900 dollars;
16. Decides to apportion among Member States the amount of 17,922,200 dollars at a monthly rate of 1,468,516 dollars, in accordance with the levels set out
in resolution 55/255, as adjusted by the General Assembly in its resolution 55/296 of 25 December 2000, and taking into account the scale of assessments for the years 2002 and 2003 as set out in its resolution 55/5 B of the same date, and subject to review by the Security Council with regard to the question of termination or continuation of the Observation Mission;

17. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of 842,800 dollars for the period from 1 July 2002 to 30 June 2003 at a monthly rate of 70,233 dollars, comprising the estimated staff assessment income of 742,600 dollars approved for the Observation Mission for the period from 1 July 2002 to 30 June 2003, the prorated share of 92,900 dollars of the estimated staff assessment income approved for the support account for the period from 1 July 2000 to 30 June 2001, the increase in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001, and the prorated share of 7,300 dollars of the estimated staff assessment income approved for the United Nations Logistics Base for the period from 1 July 2002 to 30 June 2003 and the reduction in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001;

18. Decides further that, taking into account the unencumbered balance of 2,636,200 dollars and other income of 3,049,000 dollars in respect of the financial period ended 30 June 2001, for Member States that have fulfilled their financial obligations to the Observation Mission, there shall be set off against their apportionment, as provided for in paragraph 16 above, their respective share of the unencumbered balance of 878,730 dollars and their respective share of other income of 1,366,350 dollars, in accordance with the levels set out in resolution 55/256, as adjusted by the General Assembly in its resolution 55/256, and taking into account the scale of assessments for the year 2001, as set out in its resolution 55/5 B;

19. Decides that for Member States that have not fulfilled their financial obligations to the Observation Mission, their respective share of the unencumbered balance of 878,730 dollars and other income of 1,366,350 dollars in respect of the financial period ended 30 June 2001 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 18 above;

20. Decides also that, taking into account the decrease in the staff assessment income of 218,900 dollars in respect of the financial period ended 30 June 2001, there shall be set off among Member States the amount of 72,960 dollars against the credits from the unencumbered balance referred to in paragraphs 18 and 19 above;

21. Decides further that, taking into account the voluntary contribution of the Government of Kuwait in respect of the financial period ended 30 June 2001, two thirds of the unencumbered balance of 1,757,470 dollars and other income of 2,632,670 dollars in respect of the financial period ended 30 June 2001 shall be returned to the Government of Kuwait, these amounts to be partially offset by its share in the decrease in staff assessment income in the amount of $45,940 dollars in the Tax Equalization Fund;

22. Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

23. Encourages the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Observation Mission;

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


On 18 December, the Secretary-General submitted to the Assembly a report on UNIKOM’s budget for the period from 1 July 2003 to 30 June 2004 [A/57/664 & Corr.1] and the performance report on the budget for the period from 1 July 2001 to 30 June 2002 [A/57/665]. The Assembly was asked to appropriate $83,979,100 for UNIKOM’s maintenance for the period from 1 July 2003 to 30 June 2004, and to take a decision on the treatment of the unencumbered balance of $2,472,300 with respect to the period from 1 July 2001 to 30 June 2002.

On 20 December, the Assembly decided that the agenda item on the financing of the activities arising from Security Council resolution 687 (1991) would remain for consideration during its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee should continue consideration of the item at that session (decision 57/556).

Arms and related sanctions

Sanctions Committee activities

The Security Council Committee established by resolution 661(1990) [YUN 1990, p. 392] (Sanctions Committee for Iraq), in its annual report [S/2003/300], described its activities from 1 January to 31 December 2002. By resolution 1409 (2002) (see p. 304), the Council significantly changed the modalities of the oil-for-food programme in the light of the revised goods review list and the new procedures, which it also adopted by that resolution, easing the supply of humanitarian goods to Iraq while strengthening control over dual-use items. Against that background, the Committee continued its efforts to
overcome remaining difficulties in the approval process for humanitarian supplies to Iraq and to speed up the delivery and distribution of such supplies. In addition to its implementation activities under Council resolutions 986(1995) [YUN 1995, p. 475] and 1175(1998) [YUN 1998, p. 274] relating to the humanitarian programme for the Iraqi people (see p. 303), the Committee processed 9,008 notifications and applications from States and international organizations to send humanitarian goods to Iraq under resolutions 661 (1990) and 687 (1991) [YUN 1991, p. 172]. Some 3,847 of those requests, with an estimated value of $13,849,450,222, were approved; 831, valued at $3,036,164,260, were placed on hold for further information or clarification; 4,218, valued at $24,408,368,965, were blocked; and two applications, with a zero value, were withdrawn or annulled.

The Committee processed and responded to over 500 communications concerning flights to Iraq. In July, the Committee considered two requests from Bahrain to operate a scheduled commercial air link between Baghdad and Bahrain and an air service to Baghdad for pilgrims going to holy places in Iraq. In December, the Committee decided to request Bahrain to provide additional information on the financial arrangements for the proposed flights. From July to December, the Committee considered a request by the Syrian Arab Republic for approval to use the Iraqi airspace outside the no-flight zone for the Syrian Arab Airlines direct flights between Damascus and Tehran. In view of the Committee’s understanding that the matter was not prohibited by relevant Council resolutions, Syria withdrew its request and assured the Committee that such overflights would be conducted in full conformity with Council resolutions.

As to financial matters, the Committee considered during the year, among other things, a request from France regarding the diversification of the Iraq escrow account; requests from Bahrain and Jordan for the release of frozen funds from the Rafsdlan Bank of Iraq; a request from the Libyan Arab Jamahiriya to dispose of some 43,000 tons of oil aboard an Iraqi tanker stranded for a decade in a Libyan port; a request from a Finnish company on how to settle its bankruptcy estate involving an Iraqi joint venture; and a report on the audit of the UN escrow account covering the year 2001.

The Committee also continued to review reported violations, including a number of media articles submitted by the United Kingdom, which contained allegations that the Syrian Arab Republic was illegally importing oil from Iraq through the Iraq-Syria oil pipeline. In November, the Committee was briefed by the Coordinator of the Multinational Interception Force (MIF) on its activities in the Gulf area, with emphasis on curbing oil smuggling from Iraq. MIF reported a significant reduction in illegal oil exports from Iraq by sea in 2002 as a result of effective monitoring and interception by MIF. Nevertheless, oil smuggling was continuing, though on a decreasing scale, in the Gulf area, with ports in the United Arab Emirates being the main destination.

Other matters considered by the Committee included passenger shipping services, in particular the request by some Gulf States to establish shipping services to Iraq; India’s concern about economic losses incurred as a result of UN sanctions against Iraq; the transfer of used equipment to Iraq; and suppliers’ concerns about perceived war risks in doing business with Iraq.

During the year, the Committee issued four reports on the implementation of the arms and related sanctions against Iraq, in accordance with the guidelines approved by Council resolution 700(1991) [YUN 1991, p. 198] for facilitating full international implementation of resolution 687 (1991). The reports were transmitted to the Council on 18 January [S/2002/84], 18 April [S/2002/476], 17 July [S/2002/802], and 16 October [S/2002/1167]. The April report indicated that, after repeated consideration of a 7 September 2001 letter from the United Kingdom [YUN 2001, p. 299] on alleged Iraqi attempts to develop its weapons of mass destruction programme, the Committee agreed in February 2002 to send letters to the States directly concerned requesting them to investigate the matter. The Committee also considered a 1 February 2002 communication from the United Kingdom, which referred to a media report containing allegations that Belarus had provided military training to Iraqi military officials; Belarus denied that allegation. The July report noted that the Committee had considered a communication from the United States on alleged diversion of trucks by Iraq for military purposes; Iraq denied the allegations. The October report indicated that the Committee had discussed allegations concerning Ukraine’s involvement in the transfer to Iraq of weapons; Ukraine denied the allegations. All of the reports noted that no State or international organization had consulted the Committee on whether certain items fell within the provisions of paragraph 24 of resolution 687(1991), or on cases relating to dual-use or multiple-use items; and no international organization had reported any relevant information requested under the guidelines.

**Security Council consideration.** On 18 December [meeting 4673], the Security Council was
briefed by, among others, the Sanctions Committee Chairman, who noted that the Committee’s volume of work had continued to increase over the preceding two years. The Committee had accorded high priority to the processing of contracts submitted under the oil-for-food programme. Much of its attention had been focused on the question of holds on contracts, and it had completed its series of informal meetings on sectoral activities, with presentations by the UN agencies and programmes concerned. The implementation of the goods review list and its procedures (see p. 304) had brought much-needed improvement in the flow of goods into Iraq. However, the benefits had been affected by a shortfall in the funding for the humanitarian programme. The Chairman stressed that, as long as the sanctions remained in force, there was no alternative to the oil-for-food programme for addressing the humanitarian situation in Iraq.

**Oil-for-food programme**

During 2002, the UN Office of the Iraq Programme (OIP) continued to implement phase XI of the oil-for-food programme. Phases XII and XIII were approved by the Security Council in May and December, respectively. The programme, which was established by Council resolution 986(1995) [YUN 1995, p. 475] and authorized States to import Iraqi petroleum and petroleum products as a temporary measure to finance humanitarian assistance to alleviate the adverse consequences of the sanctions regime on the Iraqi people, was extended three times by the Council during the year.

**Oversight activities**

On 4 April [A/56/903], the Secretary-General transmitted to the General Assembly a report of the Office of Internal Oversight Services (OIOS) on the update of oversight activities concerning the oil-for-food programme and the UN Compensation Commission (see p. 314). Overall, OIOS believed that OIP was continuing to improve the coordination and monitoring of projects implemented by UN agencies and programmes in northern Iraq. That, in turn, would result in more efficient and effective implementation of the oil-for-food programme and increased cost-efficiency.

In resolution 57/287 A of 20 December, the Assembly took note of the OIOS report.

**Phase XI**

On 3 January [S/2002/19], the Secretary-General informed the Security Council that he had approved the distribution plan for the purchase of humanitarian supplies during phase XI of the oil-for-food programme, which began on December 2001 following the Council’s 20 November adoption of resolution 1382(2001) [YUN 2001, p. 308]. The plan, submitted by Iraq, proposed spending $4.432 million on food, housing, agriculture, medicines, education, infrastructure and spare parts and equipment for the Iraqi oil industry. Approval was given on the understanding that implementation would be governed by Council resolutions 1284(1999) [ibid., p. 250], 1302(2000) [YUN 2000, p. 307], 1330(2000) [ibid., p. 310], 1360(2001) [YUN 2001, p. 305] and 1382(2001) and the 1996 Memorandum of Understanding between the UN Secretariat and Iraq [YUN 1996, p. 226] and would be without prejudice to the Sanctions Committee procedures.

**Sanctions Committee report.** The Sanctions Committee report for phase XI was transmitted to the Council President on 14 November [S/2002/1261]. Issues considered by the Committee included the sale of petroleum and petroleum products, humanitarian supplies to Iraq and matters relating to oil spare parts and equipment for Iraq. The Committee also held informal meetings to discuss various issues related to the humanitarian situation in Iraq and sectoral activities. The oil overseers continued to advise the Committee on oil pricing mechanisms, oil contract approvals and amendments, management of revenue objectives and other pertinent questions related to export and monitoring.

As at 10 May, the oil overseers, on behalf of the Committee, had approved 153 oil contracts involving purchasers from 37 countries. The total quantity of oil approved for export under those contracts corresponded to 363.3 million barrels, with an estimated value of 9.7 billion euros. However, the volume of oil lifted during phase XI was expected to be substantially lower. The retroactive pricing system, in combination with the continued excessive premium demands of Iraqi crude oil contract holders, led to an average reduction of exports of 500,000 barrels per day, or $1.2 billion in lost revenue. In addition, starting on 8 April, Iraq suspended its crude oil exports for one month. It was estimated that some $1.2 billion in revenue was lost during the month of stoppage of exports. Iraqi crude oil export resumed on 9 May. Applications received as at 30 April for exports of humanitarian supplies to Iraq (under phase X) totalled 2,127. Of the 970 circulated to the Committee, 661 were approved, totalling approximately $2.04 billion. From the beginning of phase XI until 30 April, the Committee received 1,83 applications of which
141 were approved, totalling approximately $556 million. Also during phase XI and as at 30 April, 225 applications related to oil spare parts and equipment were circulated to the Committee for action.

Goods review list

On 3 May [S/2002/355], the United States submitted to the Council President a revised goods review list. Pursuant to resolution 1382(2001) [YUN 2001, p. 308], the Council had pledged to adopt the proposed goods review list and procedures for its application, which were annexed to that resolution, subject to any refinements to them agreed by the Council, for implementation beginning on 30 May 2002.

SECURITY COUNCIL ACTION (14 May)

On 14 May [meeting 4531], the Security Council unanimously adopted resolution 1409(2002).

The draft [S/2002/352] was prepared by Bulgaria, China, France, Norway, the Russian Federation, the United Kingdom and the United States.

The Security Council,


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 those resolutions,

Recalling its decision in resolution 1382(2001) to adopt the proposed Goods Review List and procedures for its application annexed to resolution 1382(2001), subject to any refinements to them agreed by the Council in the light of further consultations, for implementation beginning on 30 May 2002,

Determined to improve the humanitarian situation in Iraq,

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

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

1. Decides that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, and the provisions of paragraphs 2, 3 and 5 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 daylight time on 30 May 2002 as a basis for the humanitarian programme in Iraq as referred to in resolution 986(1995) and other relevant resolutions;

2. Authorizes States, beginning at 0001 hours eastern daylight time on 30 May 2002, to permit, notwithstanding the provisions of paragraph 3 of resolution 661(1990) and subject to the procedures for the application of the Goods Review List, the sale or supply of any commodities or products other than commodities or products 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 pursuant to paragraph 24 of resolution 687(1991) whose sale or supply to Iraq has not been approved by the Security Council Committee established by resolution 661(1990);

3. Decides that, beginning at 0001 hours eastern daylight time on 30 May 2002, the funds in the escrow account established pursuant to paragraph 7 of resolution 986(1995) may also be used to finance the sale or supply to Iraq of those commodities or products that are authorized for sale or supply to Iraq under paragraph 3 above, provided that the conditions of paragraphs 8 (a) of resolution 986(1995) are met;

4. Decides also to conduct regularly thorough reviews of the Goods Review List and the procedures for its implementation and to consider any necessary adjustment, and decides that the first such review and consideration of necessary adjustment shall be conducted prior to the end of the 180-day period established pursuant to paragraph 1 above;

5. 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;

6. Requests that the Secretary-General and the Committee established by resolution 661(1990) submit at least two weeks prior to the end of the 180-day period the reports referred to in paragraphs 5 and 6 of resolution 1360(2001);

7. Requests the Secretary-General, in consultation with interested parties, to submit an assessment report on the implementation of the Goods Review List and its procedures by the end of the next period of implementation of resolution 986(1995) beginning on 30 May 2002 and to include in the report recommendations on any necessary revision of the List and its procedures, including the processing of contracts under paragraph 20 of resolution 687(1991) and the utility of the distribution plan as referred to in paragraph 8 (a) (ii) of resolution 986(1995);

9. Decides to remain seized of the matter.

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, 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 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 GRL 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 the assessment set forth in paragraph 9 above, fall within these categories.

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 those goods and services pursuant to paragraph 9 of these procedures.

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 mission 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 that 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 an 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 procedures 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 writing. If the additional information is not provided 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 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 is considered lapsed, the supplier may submit a new application based on either a new or an amended contract, and the new application will be evaluated under the procedures enumerated in this document and will append 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 append 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 18 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. The Office of the Iraq Programme will divide contracts current 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 the Security Council resolution 1053(1996) lists. Category A will also contain contracts that were both processed before the Council adopted its resolution 1284(1999) and assessed by one or more members of the Sanctions Committee as containing item(s) on one or more of the resolution 1053(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.


The Security Council,


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 and the procedures for the implementation thereof for adoption no later than 3 January 2003 and thereafter to conduct regular, thorough reviews of both,

Relentless in 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.

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 phosphate 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 phosphate 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 re-
ferred 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 625 K (350 C);

b. Equipment utilizing disposal technologies other than incineration equipment in “a.” to detoxify toxic chemicals including but not limited to liq-
uid neutralization, gas phase chemical reduction, supercritical water oxidation, direct chemical ox-
idation, solved electron, and plasma arc pro-
cesses.

b.1. Liquid neutralization equipment, and specially designed waste supply and material handling systems, with reactor volumes of 0.100 m³ (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 capaci-
ties for the disposal of toxic chemicals of 0.05 m³/hr (50 litres) 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 m³ (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 m³ (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 m³ (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 reactor volumes of 0.100 m³ (100 litres) 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, EN60, 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 50Cr, EnCu-7, EN 732 X, Inconel 800, Monel 67, Monel WE 187, Nicrofer 3033, UNS C79900, 904L, CP40).

8. C.10.4.11: Quantities of autoinjectors that exceed the established consumption rate.

9. C.10.4.12: 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 elastomeric tubing is corrosion resistant) with manufacturer’s specified maximum flow rate of 0.01 m³ per minute or greater under standard temperature (293 K) and standard pressure (101.30 kP) conditions. Corrosion resistant vacuum pumps with manufacturer’s specified maximum flow rate greater than 0.08 m³ per minute under standard temperature (293 K) and pressure (101.30 kP) 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 m³ 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. Media or cell culture media that exceed the established consumption rates.

5. 11: Equipment for the microencapsulation of live micro-organisms and toxins in the range of 1-15 micron particle size, to include interfacial polyelectrolytes 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.

11. 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.

11. 1.2: Hantaviruses; 1.2.53: Lumpy Skin Disease virus.

12. 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, includ-
ing 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 nitrate. 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.
4. 5.A.1.b.8: Radio intercept/direction finding equipment/systems.
5. 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).
6. 7.A.8: Full-motion flight simulators/training systems for civilian transport aircraft.
7. 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.
8. 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.
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 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 corrosion-resistant firefighting water pumps and corrosion resistant nozzles.
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 . . .”.

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 2,750 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.7b: 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.8: Designed or modified to use cryptographic techniques for 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 (gimbaled or strap-down) and 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.)
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.b: “Software” designed or adapted for meteorological modelling or simulation.


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, 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 Goods Review List (cite 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, when 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; or,

(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 H09(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 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 (cite item(s)).
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应当 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 21 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 II 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. 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 paragraphs 4 to 6 above, the mission or United Nations agency 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 7 or 12 below. 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 1031(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 will 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).

*The application form is not reproduced in the present volume.

VOTE ON RESOLUTION 1454(2002):

In favour: Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Singapore, United Kingdom, United States.

Against: None.

Abstaining: Russian Federation, Syrian Arab Republic.

Communication from Secretary-General. On 30 May [S/2002/608], the Secretary-General submitted to the Council President the texts of letters exchanged between the UN Secretariat and Iraq, extending, in the light of Council resolution 1409(2002), the 1996 Memorandum of Understanding [YUN 1996, p. 226] for a new period of 180 days, effective 30 May 2002.
Phase XII

Pursuant to paragraph I of Council resolution 1409(2002), the new 180-day extension (phase XII) of the humanitarian programme established by resolution 986(1995) began on 30 May. The corresponding distribution plan was approved by the Secretaries-General on 13 June [S/2002/666], on the understanding that its implementation would be governed by resolutions 986(1995), 1281(1999), 1284(1999), 1302(2000), 1330(2001), 1360(2001), 1382(2001) and 1409(2002) and the 1996 Memorandum of Understanding, and without prejudice to Sanctions Committee procedures. The accompanying list of supplies and goods was made available to the Sanctions Committee, which concluded that, based on the information provided in the annexes, no prohibited items could be identified. UNMOVIC’s and IAEA’s technical experts would provide further assessment following the submission of applications.

Communications. By an 11 June letter to the Secretaries-General [S/2002/660], Iraq alleged that the United Kingdom and the United States representatives on the Sanctions Committee were seeking to change the approval procedures for the pricing of Iraqi oil exported under the Memorandum of Understanding and the oil-for-food programme.

On 7 August [A/57/S/281-S/2002/895], Iraq proposed to the Secretary-General that its arrears in contributions to the United Nations (see p. 1384) be paid from the revenue realized from the sale of Iraqi oil under the Memorandum of Understanding and the oil-for-food programme.

Report of Secretary-General (November). In response to resolution 1409(2002) (see p. 304), the Secretaries-General submitted, in November, a progress report on phase XII of the oil-for-food programme [S/2002/1239]. The report provided information on all implementation aspects up to 31 October. As agreed by the Security Council at its 25 September informal consultations, an 11 November note by OIP, in lieu of the written 180-day report, had also been circulated to Council members providing detailed information on the implementation of the humanitarian programme in Iraq. The note also provided information on the implementation of the goods review list and its revised procedures. The report and the note had been posted on the OIP web site (www.un.org/Depts/oip).

The Secretaries-General observed that the humanitarian programme in Iraq was never intended to be a substitute for normal economic activity. As long as the comprehensive sanctions remained in force, however, there was no alternative to the programme for addressing the humanitarian situation in Iraq. Despite its shortcomings, the programme had improved the overall socio-economic conditions of the Iraqi people and had prevented the further degradation of public services and infrastructure. As at 31 October, the total value of the humanitarian supplies and equipment delivered to Iraq under the programme was just under $25 billion, including $1.3 billion for the oil industry. Additional supplies and equipment with a total value of $10 billion under already approved applications for contracts were in the delivery pipeline. The programme’s effectiveness could be further enhanced if all parties concerned took the concerted measures necessary for removing the difficulties faced in its implementation, in particular severe difficulties in connection with the programme’s funding shortfall.

SECURITY COUNCIL ACTION (25 November)


The Security Council,


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(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,

Determines 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.

Phase XIII


The Security Council,


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(1990) of 6 August 1990 in accordance with the provisions of these resolutions,

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 5 August 1990 in accordance with the provisions of these resolutions,

Taking note of the report of the Secretary-General of 12 November 2002,

Decides also to consider necessary adjustments to the Goods Review List 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 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.

In the light of the extension from 25 November to 4 December of the provisions of resolution 1409(2002) (phase XII) and of the new 180-day extension of the humanitarian programme (phase XIII) from 5 December, the UN Secretariat and Iraq, by letters of 9 and 11 December, respectively [S/2002/1467], agreed to extend for the same periods the provisions of the 1996 Memorandum of Understanding between them on the implementation of Council resolution 986(1995).

Speaking after the vote, the Russian Federation said that it was of key importance that the resolution provided for the possible lifting of sanctions against Iraq. However, it abstained in the voting for it believed that the list imposed too many restrictions and affected not only dual-use goods but also goods that were exclusively civilian in nature. In particular, Russia viewed the limitations on trucking and transport vehicles to be unjustifiably harsh, as such vehicles were necessary for ensuring normal civilian transportation.

The Syrian Arab Republic also abstained, stating that Iraq’s cooperation with the UN weapons inspectors and its positive approach to Council resolution 1441(2002) should lead to the lifting of sanctions. Instead, the sanctions regime was being complicated by additional restrictions under the pretext that certain goods could be of dual use.

UN Compensation Commission and Fund

The United Nations Compensation Commission, established in 1991 [YUN 1991, p. 195] for the resolution and payment of claims against Iraq for losses and damage resulting from its 1990 invasion and occupation of Kuwait [YUN 1990, p. 191], continued in 2002 to expedite the prompt settlement of claims through the United Nations Compensation Fund, which was established at the same time as the Commission.

Governing Council. The Commission’s Governing Council held four sessions in Geneva during the year—the forty-third (12-13 March) [S/2002/489], the forty-fourth (18 June–2 July) [S/2002/933], the forty-fifth (1-3 October) [S/2002/1293] and the forty-sixth (10-12 December) [S/2002/1465]—at which it considered the reports and recommendations of the Panels of Commissioners appointed to review specific instalments of various categories of claims. The Governing Council also acted on the Executive Secretary’s report submitted at each session, which, in addition to providing a summary of the previous period's activities, covered the processing, withdrawal and payment of claims.

Other matters considered by the Council throughout the year included the distribution of payments and transparency, and the return of undistributed funds; the provision of technical assistance to Iraq with respect to environmental claims; and requests for late filing of claims.
**Communication.** By a 21 April letter to the Secretary-General [S/2002/482], Iraq reaffirmed its view that the Compensation Commission’s procedures were unlawful.

**Oversight activities**

On 4 April [A/56/903], the Secretary-General transmitted to the General Assembly an OIOS report on the update of oversight activities concerning the oil-for-food programme (see p. 303) and the UN Compensation Commission. OIOS had reviewed only a limited number of claims cases, but, in general, it had found claims processing to be satisfactory.

**Other issues**

**Iraqi complaints**


**Timor-Leste**

On 20 May 2002, East Timor became an independent sovereign State and, on 27 September, it was admitted to the United Nations, under the new official name of the Democratic Republic of Timor-Leste, as the one hundred and ninety-first Member State. Prior to independence, it had been removed from the UN list of Non-Self-Governing Territories. A constitution was adopted in March and presidential elections were held in April, which resulted in the election of Xanana Gusmão. The Secretary-General attended the ceremony marking East Timor’s independence and the inauguration of President Gusmão.

The mandate of the United Nations Transitional Administration in East Timor (UNTAET) was extended until 20 May, in order to allow the mission to complete the handover of executive, legislative and judicial authority to East Timorese institutions by independence day and to assist with the preparations for the presidential elections. An integrated post-independence peacekeeping mission—the United Nations Mission of Support in East Timor (UNMISET)—was established on 17 May. The new mission would provide support to Timor-Leste’s public administration, law and order, and external security areas. The Secretary-General appointed Kamalesh Sharma as his Special Representative for East Timor and UNMISET’s Head. He succeeded Sergio Vieira de Mello, who had served as Special Representative...
and Transitional Administrator since November 1999 [YUN 1999, p. 280].

The Security Council held six open meetings during the year to discuss the situation in East Timor [meetings 4462, 4463, 4522, 4534, 4537, 4646], one open meeting to discuss East Timor’s admission to the United Nations [meeting 4540], plus one closed meeting [meeting 4598]. It also heard two oral briefings by the UN Assistant Secretary-General for Peacekeeping Operations on riots that erupted on 4 December in Dili, Timor-Leste. The Council, among other things, recommended to the General Assembly the admission of East Timor to membership in the United Nations.

In November, the Assembly, by resolution 57/105 (see p. 921), called on the international community to continue to support Timor-Leste in its endeavours towards self-sustainable nation-building and in facing the remaining challenges, such as nationwide capacity-building in all sectors, national reconciliation, the return of refugees and sustainable development.

**UN Transitional Administration in East Timor**

UNT AET, established under Security Council resolution 1272(1999) [YUN 1999, p. 285], continued to carry out its mandate in East Timor, which included the maintenance of law and order, assistance in the development of civil and social services, coordination and delivery of humanitarian assistance, and capacity-building support for self-government. At the same time, as part of the transitional process towards independence, it devoted governing authority to East Timorese institutions by strengthening local participation in the administration of the territory and assisted the Government with preparations for the presidential elections and events leading up to independence day, 20 May. UNTAET’s mandate was extended by Council resolution 1392(2002) (see p. 318) until independence day.

On 2 April [S/2002/350], the Secretary-General informed the Council of his intention to appoint Kamalesh Sharma (India) as his Special Representative for East Timor and Head of a successor mission to UNTAET, with effect from 21 May. Mr. Sharma would succeed Sergio Vieira de Mello (Brazil), who had served as Special Representative and Transitional Administrator since the establishment of UNTAET. On 4 April [S/2002/351], the Council took note of the Secretary-General’s intention.

**Report of Secretary-General (January).** In a 17 January report [S/2002/80 & Corr.1], the Secretary-General described developments in East Timor and UNTAET’s activities during the latter part of 2001 [YUN 2001, p. 283]. He also provided a detailed plan for a successor mission to UNTAET, which was to be deployed in East Timor after independence.

**Security Council consideration (January).** On 30 January [meeting 4462], the Security Council discussed the situation in East Timor, with particular reference to the Secretary-General’s January report. The Special Representative and Transitional Administrator for East Timor, Mr. Vieira de Mello, briefed the Council on the latest developments.

Mr. Vieira de Mello said that, although the draft constitution was nearing completion, the transfer of power from the United Nations to the East Timorese people required one final institutional development: the election of the President. On 14 April, the people of East Timor would elect their first President in a free and fair election with universal suffrage, in a secret ballot, and on the basis of a single national constituency. The East Timorese would be playing a dominant role in organizing the elections. There would be five electoral commissioners, three East Timorese and two international. East Timorese would head and staff all 13 district electoral offices, assisted by international electoral officers. On 17 April, the results would be announced and East Timor’s new President would be inaugurated just after midnight on 20 May. On the international front, foundations continued to be laid for strong relations between East Timor and Indonesia; high-level talks were scheduled for the end of February, followed by a trilateral meeting with Australia. The bilateral talks would focus on issues that had been the subject of negotiations between UNTAET and the East Timorese leadership on the one hand and the Government of Indonesia on the other over the preceding two years, and some new issues, such as maritime delimitation. Key among the outstanding bilateral issues was the need to normalize the land border between East Timor and West Timor. The trilateral talks would focus on regional cooperation and security arrangements, economic cooperation and development matters.

The Special Representative said that the security situation in East Timor remained stable. The border with Indonesia continued to be secure. There had been few sightings of militia along the Tactical Coordination Line—the informal boundary agreed to by UNTAET and the Indonesian armed forces (Tentara Nasional Indonesia (TNI)) pending formal demarcation of the border—although unregulated markets were increasingly a problem. Nonetheless, hard-line militia elements could still pose a long-term threat and, until there was substantial progress in the establishment of an operational East Timor De-
fence Force (ETDF), the presence of an appropriate military component would be necessary. Likewise, until the East Timor Police Service (ETPS) was fully deployed, UN civilian police would need to remain in East Timor to assist in training and in actual enforcement. Long-term peace and stability would depend on the degree to which East Timorese, together with the international community, could overcome the legacy of the September 1999 violence [YUN 1999, p. 288] through progress on the return of the remaining refugees, by fostering and facilitating reconciliation and by the effective prosecution of serious crimes.

On 21 January, the Special Representative swore into office the seven national commissioners of the Commission on Reception, Truth and Reconciliation. The Commission had three main functions: to seek the truth about human rights violations in East Timor perpetrated between April 1974 and October 1999; to facilitate community reconciliation; and to report to the Government on its work. The task of reconciliation between East Timorese on both sides of the border was progressing through a unified reconciliation team on behalf of the transitional Government. The justice system was still in a nascent state and needed continued close attention. UNTAET was cooperating closely with the public administration to address the problems faced within that sector and to ensure that by independence day the mission would be able to leave behind strong institutions. Considerable improvements had been made in the area of serious crimes prosecution in terms of the management of human and other resources. The first monthly meeting on justice between Indonesian and East Timorese officials was held in mid-January. A positive development had been the Supreme Court decision in Jakarta to increase, to between five and seven years, the sentences of three of the men convicted of murdering three officials from UNHCR in September 2000 [YUN 2000, p. 282]. However, real momentum on cooperation with Indonesia in the area of serious crimes remained elusive. The memorandum of understanding on legal, judicial and human rights matters, signed between the Special Representative and the Attorney-General of Indonesia in April 2000 [ibid., p. 280], had yet to become fully operational. In the remaining months before independence, UNTAET would continue to meet with Indonesian authorities to push for further progress on serious crimes. For the East Timorese, peace and reconciliation efforts would mean little if the principal perpetrators of atrocities committed in 1999 were not brought to justice.

Refugee returns continued to increase, reaching a total of some 192,000, leaving perhaps up to 60,000 refugees in West Timor. While security and militia intimidation continued to inhibit refugee returns, economic factors, including the lack of shelter and access to pensions, were also significant deterrents. It was expected that the development of a major petroleum field in the Timor Sea would bring additional revenues to East Timor.

The successor mission to UNTAET was projected to achieve its core mandate in around two years from independence, provided the fundamental conditions for implementation continued to prevail. Funding for ETPS and ETDF would be essential to the achievement of the core mandate as both were highly under-resourced and would require bilateral and other voluntary assistance to be able to function effectively. The mission’s civilian activities would focus on providing international civilian assistance for core functions in public administration. The United Nations civilian police (CIVPOL) would focus on finishing the job of developing the East Timor police, which was expected to be at a little more than half its target strength on independence day. ETPS was expected to reach full capacity by January 2004. CIVPOL would start with a force of 1,250 at independence and would be reduced by an average of 5 per cent every month, leaving about 100 officers by January 2004 working in a purely advisory role. On the military side, the mission would continue to provide support for external security and territorial integrity, initially with a force of 5,000. Once the border areas were delimited and national border-control structures were in place, the size of the military component would be reduced, subject to the overriding caveat of prevailing security conditions. Furthermore, it was vital for the mission to ensure timely handover of responsibilities from its military component to ETDF and relevant public administration departments.

Mr. Vieira de Mello said that the Secretary-General’s recommendation to extend UNTAET’s mandate until the date of independence would allow it to make the necessary preparations for the presidential elections and events leading up to independence day. At the same time, UNTAET was undergoing a gradual downsizing process in order to minimize trauma caused by the end of its mandate and the commencement of a smaller, more limited successor mission. Mr. Vieira de Mello stated that he had asked for East Timor to be deleted from the list of Non-Self-Governing Territories and he expected the East Timorese Government to seek membership in the United Nations.
The representative of East Timor said that, although the downsizing of UNTAET was an indicator of progress, he was still concerned about the ability of some former militia elements to destabilize the country. He thus welcomed the Secretary-General’s proposal to extend UNTAET’s mandate. With regard to relations with Indonesia, he said that, in the history of decolonization, seldom had there been, in post-war relations between two countries that separated from each other, such a quick process of reconciliation and normalization.

SECURITY COUNCIL ACTION (January)


The Security Council, Recalling its previous resolutions on the situation in East Timor, in particular resolutions 1272(1999) of 25 October 1999 and 1338(2001) of 31 January 2001, and the relevant statements by its President, in particular that of 31 October 2001 (S/PRST/2001/32), Commending the work of the United Nations Transitional Administration in East Timor and the leadership of the Special Representative of the Secretary-General in assisting the people of East Timor in laying the foundations for the transition to independence, Recalling the endorsement of the Security Council in the statement by its President (S/PRST/2001/32) of the proposal of the Constituent Assembly of East Timor of 19 October 2001 that independence be declared on 20 May 2002, and welcoming the strenuous efforts of the second Transitional Government and the people of East Timor to achieve independence by that date, Having considered the report of the Secretary-General of 17 January 2002, and taking note of his recommendation that the mandate of the Transitional Administration be extended until the date of independence, Looking forward to receiving further specific proposals from the Secretary-General for the mandate and structure for a successor United Nations mission after independence, at least one month before the date of independence, Welcomes the report of the Secretary-General of 17 January 2002; Decides to extend the current mandate of the United Nations Transitional Administration in East Timor until 20 May 2002; Decides to remain seized of the matter.

Report of Secretary-General (April). In response to resolution 1392(2002) (above), the Secretary-General submitted to the Security Council a 17 April report [S/2002/432] on UNTAET’s activities, covering developments since his January report. He also presented proposals on the establishment of a follow-on peacekeeping operation after East Timor’s independence.

He observed that during the period under review, further progress had been achieved in consolidating the political and institutional structure of the new nation, with the adoption of a constitution, the election of the country’s first President and the handover of most executive and operational functions to the East Timorese, paving the way for independence on 20 May. Nevertheless, there remained a number of challenges to the short- and longer-term security and stability of the new State, ranging from border demarcation, return of refugees and regulation of commercial activity in the border area to the strengthening of nascent governmental structures, including law enforcement and the judicial system, and the consolidation of the framework for economic and social development.

The new constitution, which was adopted on 22 March, provided for a unitary democratic State, based on the rule of law and the principle of separation of powers. It provided for an elected President of the Republic, an elected National Parliament and an independent judiciary. The signing of the constitution was the result of six months of intensive work by the Constituent Assembly. With its task completed, it transformed itself into a Legislative Assembly and would become the first legislature of the independent country.

East Timor’s first presidential elections, held on 14 April, resulted in the election of Xanana Gusmão, who received 82.69 per cent of the popular vote [S/2002/432/Add.1]. The Council of Ministers continued to exercise day-to-day executive functions as delegated by the Transitional Administrator, Mr. Vieira de Mello, and adopted measures on a wide range of matters, including the recruitment of public servants and on health and education. The Council agreed that East Timor would apply for membership in the United Nations, the World Bank Group and the International Monetary Fund.

The development of a professional and effective public administration was expected to remain a major challenge in the coming years. Recruitment, training and capacity-building had taken much longer than anticipated. Inefficiency at the upper levels could be attributed in large part to the lack of suitably qualified candidates, but was also due to institutional problems within the Civil Service and Public Employment Commission. UNTAET and UNDP were working closely together to try to identify qualified candidates. At the local level, East Timorese civil servants had assumed full responsibility in decision-making and for day-to-day district administration, while the UN role had shifted since 2001 from one of active management to
training, advising and supporting cross-sectoral planning and coordination.

Bilateral discussions between East Timor and Indonesia were held on 25 February, followed by a trilateral meeting with Australia. Commercial agreements were signed among the three countries and a more general agreement on border trade and border crossing was expected to be concluded in the following months.

Considerable difficulties remained in the justice sector, owing to the lack of experienced national personnel, limited resources and language barriers. The lack of an effective administrative support structure, coupled with delays in recruitment, had meant that only one of the two Special Panels for Serious Crimes was operational. Training of ETDFS remained in West Timor, posing a continuing problem. A Ministry of Defence was under way. Planning and budgeting for the establishment of ETDFS also progressed, and police would retain an advisory role. Training for policing by January 2004, while the UN was expected to assume full executive responsibility for ETDFS by June 2003 and ETDFS would attain its full strength by June 2003 and ETDFS continued, with the Police College having trained 1,552 officers since March 2000; the operational responsibility for day-to-day policing would pass to ETDFS, at the district level, once its officers acquired certification. Their performance in the districts would be under continual review by the United Nations. The Service would attain its full strength by June 2003 and was expected to assume full executive responsibility for policing by January 2004, while the UN police would retain an advisory role. Training and recruitment of ETDFS also progressed, and planning and budgeting for the establishment of a Ministry of Defence was under way.

The presence of the UNTAET military component continued to ensure a stable security environment. However, there was an increase in reports of shootings, flares and explosions near the Tactical Coordination Line. Although good cooperation between TNI and UNTAET had contributed to a decline in militia activity, UNTAET assessed that a presence of hard-line militia remained in West Timor, posing a continuing potential threat.

An East Timorese Reconciliation and Repatriation Liaison Team was formed to coordinate the efforts of UNTAET and the Transitional Government in promoting refugee returns. In March, there was an upsurge in refugee returns, with some 3,680 returning—the highest number in a single month since early 2000. As at April 2002, over 202,000 refugees had returned, the highest number in a single month since early 2000. As at April 2002, over 202,000 refugees had returned, the number of those still in West Timor was estimated at over 50,000.

The Commission for Reception, Truth and Reconciliation began its truth-seeking function with communities in two regions. The Serious Crimes Unit continued to focus on 10 priority cases and had filed indictments for crimes against humanity against 18 men, including a militia leader and another senior militia commander. The Indonesian Ad Hoc Human Rights Tribunal in Jakarta began its first trials of persons alleged to be responsible for serious human rights violations in East Timor during 1999, though the jurisdiction of the Tribunal had not been expanded beyond the months of April and September 1999, thus excluding several other significant cases that occurred in 1999.

Considerable progress had been made in the rehabilitation of physical and social infrastructure and provision of social services, especially in health and education. Much of that support had been provided through the Trust Fund for East Timor and other multilateral and bilateral assistance.

The progressive reduction of international personnel across all UNTAET components had taken place as national institutions and personnel had taken over the provision of government services. A number of government functions, which continued to be provided from within UNTAET, such as media and legal services, defence policy and electoral management, were being redesigned for incorporation within the Government, in some cases as independent statutory entities. ETDFS, which reported to the Special Representative, would also be brought under ministerial supervision, subject to command and control arrangements that were being finalized between the United Nations and ETDFS.

With regard to a successor mission to UNTAET, the Secretary-General said that, subject to Security Council concurrence, the United Nations Mission of Support in East Timor (UNMISET) would be entrusted with a mandate to provide assistance for the stability of East Timor and the viability of its emergent public administration; to assist in the development of a law enforcement agency operating in accordance with international human rights standards; and to contribute to the maintenance of external and internal security. UNMISET would ensure that all operational responsibilities were fully devolved to the East Timorese authorities as soon as was feasible, while ensuring stability, through a process of assessment and phase-out over a period of two years. Based on the framework set out in his January report (YUN2002, p. 283), a comprehensive mandate implementation plan for UNMISET was proposed, consisting of three key programmes: stability, democracy and justice; and external security and law enforcement; and external security and border control. The Mission, headed by the Special Representative, would include a civilian component, a police component and a military component. The civilian component would comprise a small group of experts to provide assistance to the emergent Government, a serious crimes unit and a human rights unit. The civilian police and
military components would initially require a strength of 1,250 and 5,000 all ranks, respectively. Those personnel would be gradually reduced and withdrawn according to the achievement of predefined conditions.

UNMISET’s programmes would be coordinated with the wider UN system of agencies, funds and programmes to ensure a smooth transition towards a normal framework for medium- and long-term UN development assistance. East Timor would require a sustained high level of development assistance, at least during the first three years after independence.

The Secretary-General observed that as UNTAET drew to an end, East Timor was at peace, fundamental government structures were in place and the independence that it had struggled for over so many years was very close. However, all of those were at risk if they were not reinforced through a continued international presence and commitment. The United Nations had a truly historic mandate in East Timor. Few could have imagined that a new public administration could have been established within just 30 months. Despite the considerable efforts made during that period, a number of critical elements of the State would remain fragile at independence. UNMISET would ensure that the gains made over the past two and a half years were consolidated by coordinating international assistance. UNMISET’s objectives were achievable, but they could not be realized by the Mission alone. Member States that were in a position to lend the necessary support were called on to demonstrate their commitment. The United Nations had a truly historic mandate in East Timor. Few could have imagined that a new public administration could have been established within just 30 months. Despite the considerable efforts made during that period, a number of critical elements of the State would remain fragile at independence.

The Secretary-General addressed the Council and the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, introduced the report.

The Secretary-General said that in less than one month’s time, the United Nations would hand over full responsibility for the destiny of East Timor to the newly elected leaders of that country. Since the tragic events of September 1999 [YUN 1999, p. 288], which followed the democratic decision of the East Timorese people to seek independence [ibid.], the United Nations had been working to build a sustainable national administration, in close partnership with Member States and the East Timorese themselves. Since 1999, peace had been secured, legal and governmental structures and laws had been put in place and a sense of normality had returned. The citizens of East Timor had turned out in overwhelming numbers to vote in the Constituent Assembly and presidential elections. Most encouraging, in the past few months increasing numbers of refugees had returned. However, East Timor’s Government faced enormous tasks before and after 20 May. The international community had to ensure that the investment it had made did not go to waste. The Secretary-General hoped that the Council would approve the detailed proposals for a follow-up peacekeeping presence contained in his report. In the initial stages, that mission—UNMISET—would provide support in three areas that were critical for the stability and viability of the new State: public administration, law and order, and external security. That support would be reduced gradually over two years, as the UN role became one of providing normal development assistance; sustainable growth would require investment from the private sector, both domestic and foreign. Good relations with its nearest neighbours would be essential to East Timor’s future stability, including close cooperation with Indonesia, in order to ensure timely agreement on the delimitation of the border, the situation of the remaining refugees in West Timor and cooperation in prosecuting those accused of the serious crimes committed in 1999.

Mr. Annabi said that, notwithstanding the significant progress made in East Timor, government structures were not yet fully functional or financially sustainable. Significant benefits from oil from the Timor Sea were projected to flow into the economy, but not until 2005 at the earliest. The plan for an integrated post-independence peacekeeping mission drew on lessons learned from UNTAET and other missions. The most fundamental lesson was that, in order to have lasting impact, which made the best use of limited resources, there had to be a comprehensive benchmark-based strategy that was implemented in a coherent manner and with a close partnership among the United Nations,
Member States and East Timor’s leaders. With that in mind, UNTAET had identified the requirements for 100 core functions to support the Government after independence, had defined an exit strategy and had taken measures to enable recruitment against those functions by independence. Similarly, with respect to the police, UNTAET had identified the requirements to develop a police structure based on the law enforcement needs and budgetary realities of East Timor. Material and financial support of bilateral donors for the full establishment of the East Timorese police and military were essential. While the proposed Mission would focus its efforts on consolidating a stable environment, there would be a continuing need for other UN entities, as well as bilateral donors, to assist East Timor in developing a sustainable economy.

Addressing the Council, President-elect Gusmão said that, with limited resources, the Government of East Timor was likely to face extreme difficulties in implementing its programmes unless financial support and the appropriate expertise from the international community were provided. The Government had been actively involved in the process of preparing the first national development plan for East Timor, which would be released before independence (see p. 326). The plan would not only guide the Government and civil society in developing the nation, but would also guide the international community in its assistance strategy. Mr. Gusmão appealed to the Council and the Secretary-General to continue to support East Timor in the challenging years ahead.

**SECURITY COUNCIL ACTION (May)**

On 17 May [meeting 4534], the Security Council unanimously adopted **resolution 1410(2002)**. The draft [S/2002/539] was prepared in consultations among Council members.

The Security Council,


Commending the courage and vision of the people of East Timor in bringing East Timor to the point of independence by peaceful and democratic means,

Paying tribute to the dedication and professionalism of the United Nations Transitional Administration in East Timor and to the leadership of the Special Representative of the Secretary-General in assisting the people of East Timor in the transition towards independence,

Reiterating its welcome for the successful and peaceful election of the Constituent Assembly, held on 30 August 2001, and the election of the President, held on 14 April 2002,

Welcoming the commitment by the elected leaders of East Timor to lead their country in solidarity, welcoming also the steps they have taken so far to establish good relations with neighbouring States, and recognizing the primary responsibility of the people of East Timor for nation-building,

Noting that the emerging institutions in East Timor remain fragile and that in the period immediately after independence assistance will be required to ensure sustained momentum in the development and strengthening of the infrastructure, public administration, law enforcement and defence capacities of East Timor,

**Noting with concern** the assessment of the Secretary-General of the difficulties which have had a negative impact on the effectiveness of the judicial system in East Timor, and calling upon all relevant parties to work towards progress in this area,

Having considered the report of the Secretary-General of 17 April 2002,

Welcoming his recommendation that a successor mission to the Transitional Administration be established for a period of two years,

Taking note of the joint letter dated 20 April 2002 from the President-elect of East Timor and the Chief Minister of East Timor addressed to the President of the Security Council,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,

Welcoming the intention of the Secretary-General to appoint the Resident Coordinator of the United Nations Development Programme as his deputy Special Representative, and underlining the importance of a smooth transition of the role of the United Nations towards traditional development assistance,

Welcoming and encouraging efforts by the United Nations to sensitize international personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Recognizing the importance of a gender perspective in peacekeeping operations,

**Noting** the existence of challenges to the short- and long-term security and stability of an independent East Timor, and determining that ensuring the security of the boundaries of East Timor and preserving its internal and external stability are necessary for the maintenance of peace and security in the region,

1. **Decides** to establish, as of 20 May 2002 and for an initial period of twelve months, a United Nations Mission of Support in East Timor;

2. **Decides** also that the mandate of the Support Mission shall consist of the following elements:

   (a) To provide assistance to core administrative structures critical to the viability and political stability of East Timor;

   (b) To provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service;

   (c) To contribute to the maintenance of the external and internal security of East Timor;

3. **Decides** further that the Support Mission will be headed by a Special Representative of the Secretary-General and will consist of:
The efforts of bilateral and multilateral donors, assistance to East Timor should be coordinated with and the East Timor Defence Force; full establishment of the East Timor Police Service and organizations to provide support as requested by the Secretary-General, in particular in support of the implementation of the relevant elements of the Agreement of 5 May 1999 between the Governments of Indonesia and Portugal and the Secretary-General on the question of East Timor regarding the modalities for the popular consultation of the East Timorese through a direct ballot, and taking note of its outcome and the process of transition, under the authority of the United Nations, towards independence;

Taking note of the subsequent recommendation by the East Timor Constituent Assembly that 20 May 2002 be the date for the official transfer of the powers of sovereignty from the United Nations to the East Timor government institutions,

(a) A civilian component comprising an office of the Special Representative with focal points for gender and HIV/AIDS, a civilian support group of up to one hundred personnel filling core functions, a serious crimes unit and a human rights unit;
(b) A civilian police component initially comprising 1,250 officers;
(c) A military component with an initial strength of up to 5,000 troops, including 120 military observers;

4. Requests the Support Mission to give full effect to the following three programmes of the mandate implementation plan as set out in section III.A.3 of the report of the Secretary-General:
(a) Stability, democracy and justice;
(b) Public security and law enforcement;
(c) External security and border control;
5. Decides that internationally accepted human rights principles should form an integral part of training and capacity-building carried out by the Support Mission, under paragraph 12 above;
6. Authorizes the Support Mission, under Chapter VII of the Charter of the United Nations, to take the necessary actions, for the duration of its mandate, to fulfill its mandate, and decides to review this issue and all other aspects of the mandate of the Mission after twelve months;
7. Decides that progress towards achievement of the milestones of the mandate implementation plan should be kept under review and that downsizing of the Support Mission should proceed as quickly as possible, after careful assessment of the situation on the ground;
8. Decides also that the Support Mission will, over a period of two years, fully devolve all operational responsibilities to the East Timorese authorities as soon as is feasible, without jeopardizing stability;
9. Urges Member States and international agencies and organizations to provide support as requested by the Secretary-General, in particular in support of the full establishment of the East Timor Police Service and the East Timor Defence Force;
10. Underlines the fact that further United Nations assistance to East Timor should be coordinated with the efforts of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, private sector organizations and other actors from within the international community;
11. Calls for the rapid conclusion and full observance of the agreements and arrangements necessary to give effect to the mandate of the Support Mission, including a status-of-forces agreement, and command and control arrangements which will operate in accordance with standard procedures of the United Nations;
12. Welcomes the progress made in resolving pending bilateral issues between Indonesia and East Timor, and stresses the critical importance of cooperation between these two Governments, as well as cooperation with the Support Mission, in all aspects, including in implementation of the relevant elements of the present and other resolutions, in particular by working together to secure agreement on the issue of border demarcation, by ensuring that those responsible for serious crimes committed in 1999 are brought to justice, by helping to ensure repatriation or resettlement of refugees currently in Indonesia and by continuing to work together to curb criminal activities in all their forms, including by militia elements, in the border area;
13. Requests the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of the present resolution, in particular with regard to progress towards achievement of the milestones in the mandate implementation plan, and to submit a report within six months of the date of adoption of the present resolution and every six months thereafter;
14. Decides to remain actively seized of the matter.

On 25 July [S/2002/891], the Secretary-General informed the Council of his intention to appoint Major General Tan Huck Gim (Singapore) as the Force Commander of UNMISET with effect from 11 August 2002. Lieutenant General Winai Phatthiyakul (Thailand), who had served as Force Commander of UNTAET since 1 September 2001 and of UNMISET since 17 May 2002, would relinquish his post on 30 August. On 26 July [S/2002/ 840], the Council took note of the Secretary-General’s intention.

Removal from list of NSGTs

On 1 May [meeting 98], the General Assembly, on the recommendation of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [A/56/894], adopted resolution 56/282 without vote [agenda item 18].

Question of East Timor

The General Assembly,
Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,
Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1544(XV) of 14 December 1960, as well as resolution 1541(XV) of 15 December 1960 and all other United Nations resolutions relating to the question of East Timor,
Recalling also the mandate of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,
Recalling further the Agreement of 5 May 1999 between the Governments of Indonesia and Portugal and the Secretary-General on the question of East Timor regarding the modalities for the popular consultation of the East Timorese through a direct ballot, and taking note of its outcome and the process of transition, under the authority of the United Nations, towards independence,
Taking note of the subsequent recommendation by the East Timor Constituent Assembly that 20 May 2002 be the date for the official transfer of the powers of sovereignty from the United Nations to the East Timor government institutions,
Mindful of the statement by the President of the Security Council of 31 October 2001,

1. Recalls the important role played for many years by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in promoting the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in relation to East Timor;

2. Welcomes the progress and the achievements in East Timor, and commends the Secretary-General and the United Nations Transitional Administration in East Timor, under the leadership of the Special Representative of the Secretary-General, for their efforts to assist the Territory during its transition to independence;

3. Also welcomes the forthcoming official transfer of power from the United Nations to the East Timor government institutions, as recommended by the East Timor Constituent Assembly;

4. Decides to remove East Timor from the list of Non-Self-Governing Territories upon its accession to independence.

East Timor’s independence

SECURITY COUNCIL ACTION (20 May)

On 20 May [meeting 4537], the Security Council held a public meeting to commemorate and celebrate East Timor’s independence. The Deputy Secretary-General of the United Nations, Louise Fréchette, addressed the Council.

The Deputy Secretary-General said that, shortly after midnight on 20 May in Dili, East Timor, the UN flag was lowered and the flag of an independent East Timor was raised. History was made in the presence of the Secretary-General as the East Timorese marked the birth of their country—the first independent nation of the new millennium. The people of East Timor had set an example to other nations in their steadfast adherence to the core values of the UN Charter, reconciliation and the creation of democratic institutions that could safeguard human rights. The Council could look back with pride on its support for East Timor’s quest for nationhood, in which the Council had demonstrated unequalled dedication and imagination. In establishing UNTAET, the Council took a bold and unprecedented step. Equipped with a broad mandate, supported by adequate resources and coordinated through a single chain of command, UNTAET was able to help the East Timorese maintain internal and external security, while laying the foundations for an administrative and political infrastructure and promoting social and economic development.

The international community’s contribution of financial and political support and the service of its men and women on the ground had also been essential. In particular, Indonesia and Portugal had made a vital contribution with the signing of the 5 May 1999 agreement [YUN 1999, p. 286], which allowed the East Timorese to express their will for self-determination, and Australia’s leadership of the International Force in East Timor (the international force which was deployed in East Timor in 1999 [YUN 1999, p. 290] and which transferred overall security and administrative responsibility of the territory to UNTAET in 2000 [YUN 2000, p. 278]), had also contributed to the country’s security and stability.

East Timor still faced long-term challenges, particularly in the reduction of poverty and the building of a viable economy. Much also remained to be done to consolidate the country’s fragile new institutions to ensure the stability of the new State. The Council’s decision to authorize a multidimensional follow-on operation—UNMSET—testified to its commitment to completing the tasks that it had undertaken. The Council would also be called on to support East Timor’s application for membership in the United Nations. The Secretary-General, in fact, had just received from East Timor an application for membership; that request would be presented to the Council, in accordance with established procedure.

Following consultations among Council members, the President made statement S/PRST/2002/13 on behalf of the Council:

The Security Council welcomes the attainment of independence by East Timor on 20 May 2002, which marks the culmination of a process of self-determination and transition that began in May 1999. The Council pays tribute to the people and leadership of East Timor for their efforts in achieving the goal of independence.

The Council affirms its commitment to the sovereignty, political independence, territorial integrity and national unity of East Timor within its internationally recognized boundaries.

The Council takes this opportunity to express its deep appreciation for the efforts of the Secretary-General and his Special Representative, and notes with satisfaction the role played by the United Nations in restoring peace to East Timor and in building a solid foundation for a democratic, viable and stable East Timor. The Council commends the United Nations Transitional Administration in East Timor for the important work that it has done to achieve these important goals.

The Council expresses its strong support for the leadership of East Timor as it assumes authority for governing the new, sovereign State of East Timor. The Council recognizes that the people and the democratically elected Government of East Timor bear the ultimate responsibility for the establishment and maintenance of a viable State. It expresses its confidence that the people and the leadership of
East Timor will demonstrate the necessary political will and determination to fulfill their aspirations.

The Council appreciates the efforts made by the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples towards East Timor’s achievement of independence. The Council expresses its appreciation to the Government of Indonesia and the Government of Portugal for their cooperation with the United Nations in concluding the Agreements of 5 May 1999 which led to the establishment of the United Nations Mission in East Timor to conduct the popular consultation. It also expresses its appreciation to Australia and all other countries that contributed troops to the International Force in East Timor and the Transitional Administration, which helped to restore stability following the post-referendum violence.

The Council welcomes the commitment of the Government of East Timor to develop close and strong relations with Indonesia, and the stated readiness of the Government of Indonesia to cooperate with East Timor towards building a peaceful, unified and sustainable society in East Timor. The Council stresses that good relations with neighbouring States will be essential to the future stability of East Timor and that of the region, which are inextricably linked.

The Council is concerned that challenges to the security and stability of East Timor remain after independence. It notes with concern that shortcomings exist in a number of critical elements of the public administration of East Timor in the post-independence period. The Council reaffirms that a strong international commitment will be required in East Timor to ensure the continued stability and development of the country for some time after independence.

The Council welcomes the commitment of the Democratic Republic of East Timor to develop a sustainable social system in East Timor. It also reaffirms the continued need for effective and close coordination among those programmes and donors to ensure a smooth transition towards a normal development assistance framework. The Council expresses its confidence that East Timor will demonstrate the necessary political will and determination to fulfill their aspirations.

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The Council is concerned that challenges to the security and stability of East Timor remain after independence. It notes with concern that shortcomings exist in a number of critical elements of the public administration of East Timor in the post-independence period. The Council reaffirms that a strong international commitment will be required in East Timor to ensure the continued stability and development of the country for some time after independence. The Council expresses its confidence that the United Nations Mission of Support in East Timor, established by resolution H/RES(2002) of 17 May 2002, will help to consolidate and strengthen a stable environment in East Timor.

The Council reaffirms the importance of complementing the United Nations peacekeeping contribution with that of other United Nations funds and programmes, and specialized agencies, international financial institutions, bilateral donors and non-governmental organizations to assist the people of East Timor to develop a sustainable social system and economy. It also reaffirms the continued need for effective and close coordination among those programmes and donors to ensure a smooth transition towards a normal development assistance framework. The Council appeals to Member States to respond positively to the urgent appeal of the Secretary-General to fill vacancies in the Civilian Support Group. It also urges Member States and other actors to respond positively to the appeals for assistance in the development of the defence force, police service and justice sector of East Timor and in supporting social and economic development and poverty reduction.

The Council looks forward to the day in the near future when East Timor will join us as a State Member of the United Nations and to working closely with its representatives. The Council notes that the Government of East Timor today submitted a letter to the Secretary-General requesting the admission of East Timor to membership in the United Nations.

The Council will remain actively seized of the matter.

Admission to UN membership
Note of Secretary-General. On 20 May [A/56/953-S/2002/538], the Secretary-General transmitted to the Security Council and the General Assembly the application of the Democratic Republic of East Timor for admission to membership in the United Nations, contained in an annexed letter dated 20 May from the President and the Prime Minister of East Timor to the Secretary-General.

On 22 May, the General Assembly, by resolution 56/283, welcomed East Timor’s application and invited it, pending its admission, to participate as a State, without the right to vote, in the World Summit on Sustainable Development and its preparatory process, including the fourth session of the Commission on Sustainable Development acting as Preparatory Committee for the Summit (see p. 825).

Security Council consideration (22 May). On 22 May [meeting 4540], the Security Council discussed the admission of new Members and took into consideration the Secretary-General’s 20 May note. It decided to refer East Timor’s application for membership to the Committee on the Admission of New Members for examination and report. On 23 May [S/2002/566], that Committee unanimously recommended to the Council that East Timor should be admitted to the United Nations.

SECRETARY COUNCIL ACTION (23 May)

On 23 May [meeting 4542], the Council adopted without vote resolution 1414(2002), by which it recommended to the General Assembly that the Democratic Republic of East Timor be admitted to membership in the United Nations.

At the same meeting, following consultations among Council members, the Council President made statement S/PRST/2002/15 on behalf of the Council:

The Security Council has decided to recommend to the General Assembly that the Democratic Republic of East Timor be admitted as a Member of the United Nations. On behalf of the members of the Security Council, I wish to extend my congratulations to the Democratic Republic of East Timor on this historic occasion.

The Council notes with great satisfaction the solemn commitment of the Democratic Republic of
East Timor to uphold the purposes and principles of the Charter of the United Nations and to fulfil all the obligations contained therein.

We look forward to the day in the near future when the Democratic Republic of East Timor will join us as a Member of the United Nations and to working closely with its representatives.

Communication. Also on 23 May [A/57/250], the Council President requested the Secretary-General to transmit resolution 144(2002) to the fifty-seventh session of the General Assembly.

On 27 September, the Assembly decided to admit Timor-Leste to membership in the United Nations (resolution 57/3) (see p. 1426).

Security Council consideration (August). On 15 August [meeting 4598], the Council held a closed meeting on the situation in East Timor. Following a briefing on latest developments on the ground by the UN Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, members of the Council had a constructive exchange of views.


During the reporting period, the Government of Timor-Leste took office and its national institutions assumed responsibility for the management and conduct of its affairs. Since independence, the leaders of Timor-Leste had sought to promote a broad-based democracy and to heed concerns expressed by their citizens. Donors were funding programmes to strengthen the capacity of political parties both in Parliament and at the district level. In response to demonstrations by diverse interest groups against aspects of government policy, the Government had sought dialogue to promote a better understanding of its limited capacity to address those demands. In addition, former combatants and veterans had expressed increasing dissatisfaction with the Government over a perceived lack of recognition for their role in the struggle for independence and some had threatened to create civil unrest. President Gusmão had signed a decree pertaining to the transference of the legal system and the management of administrative and governmental affairs. The group's ability to make a contribution depended, however, on the recruitment of Timorese civil servants for those key positions, some of which had not yet been filled. In mid-July, President Gusmão signed a decree creating the Human Rights Commission. Timor-Leste had also continued to pursue close relations with Indonesia. In July, the two countries agreed to create a Joint Ministerial Commission for Bilateral Cooperation to address issues of mutual concern. At its first meeting on 8 October, the Commission decided to maintain the Joint Border Committee and called on that Committee to finalize a border agreement by 30 June 2003. Timor-Leste also elaborated with Australia a regulatory and technical framework for the development of its natural resources, particularly oil and natural gas. On 20 May, the two countries signed the Timor Sea Treaty, which foresaw that revenues from the Treaty area would be shared between the two countries, with 90 per cent of the revenues from the Bayu-Undan field going to Timor-Leste. In addition, a memorandum of understanding was signed on the same day providing for the conclusion, by 31 December 2002, of an International Utilization Agreement for the efficient taxation, regulation and administration of the gas and oil field.

UNMISET had begun to work towards fulfilling its mandate. The civilian support group was addressing gaps within the administration in key areas, including financial areas, the justice system and the management of administrative and governmental affairs. The group's ability to make a contribution depended, however, on the recruitment of Timorese civil servants for those key positions, some of which had not yet been filled. In mid-July, President Gusmão signed a decree pertaining to the transference of the legal system, which allowed the judges appointed by UNTAET to continue in their functions until permanent appointments were made. A lack of crucial resources continued to hamper the development of the judicial system. The Government, with assistance from the UN system, was preparing a plan for the enhancement of the justice sector. UNMISET also assisted in the conduct of investigations of serious crimes committed in 1999. The serious crimes unit was expected to complete its investigations by 31 December 2002, after which the unit would continue to provide assistance to prosecutors during trials by carrying out follow-on investigations and giving court testimony. As at 6 November, there had been 41 indictments involving 119 alleged perpetrators of serious crimes. Of those indictments, 19 were for crimes against humanity. UN police and the Timor-Leste Police Service maintained law and order as a joint service with a unified chain of command. Since independence, reported crime in Timor-Leste remained comparatively low. At the same time, the transfer of policing responsi-
bility, and thus the downsizing of UNMISET’s police component, was progressing on schedule. Resource constraints, however, hindered the effectiveness of the Police Service. The overall external security and border control situation had continued to improve during the period under review. Sustained action against former militia by TNI, together with efforts by Indonesia and Timor-Leste to suppress criminal activity at the border and to remove remaining support bases, was expected in the medium term to eliminate any threat posed to the security of Timor-Leste.

Refugee returns, which peaked in June and July, had slowed to a trickle. It was estimated that 10,000 to 11,000 families (35,000-37,000 persons) remained in West Timor as refugees. A special fund had been established to grant refugees who were formerly civil servants in the Government of Indonesia a one-time payment, in lieu of their regular pensions or severance packages, upon their return to Timor-Leste. However, after a period of over a year, with the fund having received only a fraction of the donor support sought, a decision was taken to distribute the amounts available. Those payments commenced in November 2002 with a package starting at $50 for those who served up to 5 years, rising to a maximum payment to any single individual of about $1,000 to 11,000 families (35,000-37,000 persons) remained in West Timor as refugees. A special fund had been established to grant refugees who were formerly civil servants in the Government of Indonesia a one-time payment, in lieu of their regular pensions or severance packages, upon their return to Timor-Leste. However, after a period of over a year, with the fund having received only a fraction of the donor support sought, a decision was taken to distribute the amounts available. Those payments commenced in November 2002 with a package starting at $50 for those who served up to 5 years, rising to a maximum payment to any single individual of about seven times that amount. The impact of such incentives in encouraging the return of refugees to Timor-Leste was unclear.

Due to the overall stable security situation, the first phase of the four-phase downsizing programme of UNMISET’s military component was to be completed as planned by the end of November. At that time, UNMISET’s military component would number some 3,870, including the United Nations Military Observer Group.

The Government’s economic and social policies were defined in the framework of the National Development Plan, the medium-term fiscal framework and the annual budget for 2002-2003, which were presented to donors in Dili on 14 and 15 May. The Plan underscored the linkage between infrastructure rehabilitation on the one hand and national development on the other, in particular agricultural productivity, alleviation of poverty and private sector investment. The Plan relied on multilateral and bilateral donors’ support to achieve long-term stability. UNMISET was working with the wider UN system of agencies to assist the Government in its efforts to advance the Plan’s objectives and to facilitate a smooth transition of the UN role towards traditional development assistance.

The Secretary-General observed that during the first five months of its independence, the people and leaders of Timor-Leste, assisted by UNMISET and through bilateral contributions, had continued to consolidate the foundations of their country. However, Timor-Leste’s emerging institutions remained fragile and would require international assistance. Steady progress had been made within each of the three areas (stability, democracy and justice; internal security and law enforcement; external security and border control) mandated by the Security Council, enabling UNMISET to adhere generally to its timetables. While earlier assumptions about progress towards border demarcation had been proven optimistic, the commitments made between Indonesia and Timor-Leste would, if realized, allow UNMISET to keep to its schedule for reduction and ultimate withdrawal. At the same time, the completion of the Mission’s implementation plan and a smooth transition to traditional development assistance would require complementary provision of sufficient bilateral assistance in a number of key areas, most particularly, in the justice, corrections, police, border control and defence sectors.

**Security Council consideration (November).** On 14 November [meeting 4646], the Security Council discussed the situation in Timor-Leste and the Secretary-General’s report on UNMISET (see p. 325). The Special Representative of the Secretary-General for Timor-Leste, Kamalesh Sharma, introduced the Secretary-General’s report.

Mr. Sharma said that Timor-Leste had many favourable features that should assist in securing its future; it was a compact country with a culturally cohesive population endowed with significant resources to safeguard its economic development. Two gas and oil fields, ready for exploitation, had enormous potential for revenue, and there was evidence of on-shore hydrocarbon potential as well. However, the State faced a number of challenges, including the need for effective policies to secure the rule of law; expansion of employment opportunities; infrastructure rehabilitation; and participation in the democratic process. One of UNMISET’s main challenges would be to rebuild the capacity of the public administration sector from the ground up. In the area of internal security, 4 out of 13 districts had already been handed over to the Timor-Leste Police Service, and the schedule to hand over complete territorial responsibility by
January 2004 was on course. The transfer of external security responsibility to the defence forces of Timor-Leste by mid-2004 was also on course.

The representative of Timor-Leste said that building a self-sufficient and prosperous nation would require the Council’s continued support and partnership. Since Timor-Leste’s law enforcement and security apparatus was still in its nascent stage, there was a need for the continued presence of the international police and peacekeeping force until Timor-Leste could develop the capacity to meet those goals on its own. Though reconstruction challenges remained paramount, there had been some positive political developments. Democratic culture and political participation were growing, while the reconciliation and return of refugees continued. Relations with Indonesia were strengthened by the creation of the Joint Ministerial Commission for Bilateral Cooperation (see p. 325). Negotiations with Australia on petroleum exploitation in the Timor Sea were well on track.

Later developments. In a later report [S/2003/245], the Secretary-General said that grave riots erupted in Dili on 4 December, which were manipulated by elements that sought to undermine the authority and legitimacy of the Government. In the course of the rioting, numerous buildings were destroyed by arson, while others were looted. Those security-related incidents were the subject of oral briefings by the Assistant Secretary-General for Peacekeeping Operations, Mr. Annabi, to the Security Council on 4 and 13 December.

Financing of UN operations

During 2002, the General Assembly considered the financing of three UN missions in East Timor—UNTAET, UNMISET and the United Nations Mission in East Timor (UNAMET). UNTAET was established by Security Council resolution 1272(1999) [YUN 1999, p. 296] to administer East Timor during its transition to independence; its mandate was extended until 20 May 2002, East Timor’s date of independence, in accordance with resolution 1392(2002) (see p. 319). UNMISET was established by Council resolution 1410(2002) (see p. 321) to provide assistance to the administrative, law enforcement and public security structures critical to the viability and political stability of East Timor, in addition to contributing to the maintenance of its external and internal security. UNAMET was established by Council resolution 1246(1999) [ibid., p. 283] to conduct the 1999 popular consultation on East Timor’s autonomy [ibid., p. 288]; its mandate ended on 30 November 1999, in accordance with resolution 1262(1999) [ibid., p. 287].

UNTAET and UNMISET

In March [A/56/890], the Secretary-General submitted to the General Assembly a report on the final disposition of UNTAET assets. The inventory value of the assets as at 13 March 2002 amounted to $72.4 million, 79 per cent of which had been transferred to other peacekeeping operations or to the United Nations Logistics Base at Brindisi, Italy, for temporary storage.

In April [A/56/922], the Secretary-General submitted to the Assembly UNTAET’s financial performance report for the period from 1 July 2000 to 30 June 2001. Expenditures for the period totalled $327,587,900 gross ($315,143,900 net), resulting in an unencumbered balance of $35,412,100 gross ($32,907,700 net) that was mainly attributable to reduced requirements under civilian personnel costs and operational requirements.

Also in April [A/56/932 & Corr.1], the Secretary-General submitted to the Assembly UNMISET’s proposed budget for the period from 1 July 2002 to 30 June 2003, which amounted to $318,490,200 gross ($309,254,400 net), inclusive of budgeted voluntary contributions in kind amounting to $60,000. Of the total budget, some 42 per cent of resources related to military personnel costs. Civilian personnel costs accounted for 32 per cent of the budget, operational costs reflected 22 per cent and staff assessment comprised 3 per cent of the total. Less than 1 per cent of the total resources was related to other programmes.

In May [A/56/945], ACABQ reviewed the Secretary-General’s reports on UNTAET’s financial performance and on UNMISET’s proposed budget (see above). ACABQ recommended that UNTAET’s unencumbered balance of $35,412,100 gross ($32,907,700 net) for the period from 1 July 2000 to 30 June 2001, as well as interest and other income in the amount of $29,140,000, be credited to Member States in a manner to be determined by the Assembly. It also recommended the appropriation and assessment of $292 million gross for the operation of UNMISET for the period from 1 July 2002 to 30 June 2003, subject to a decision by the Council regarding the Mission’s mandate. In addition, ACABQ recommended approval of the use by UNMISET of the special account established for UNTAET. ACABQ also submitted to the Assembly a related report on the administrative and budgetary aspects of the financing of UN peacekeeping operations [A/56/887] (see p. 75).
Also in May [A/56/947], the Secretary-General submitted to the Assembly the transitional financing arrangements for UNTAET and UNMIS/ET for the period from 1 July 2001 to 30 June 2002. The Assembly was requested to decide that the expenditure for the period from 21 May to 30 June 2002 would be met from the amount of $455 million appropriated for UNTAET for the period from 1 July 2001 to 30 June 2002; to apportion among Member States the amount of $80,096,775; and to set off against the apportionment among Member States their respective share in the Trustee's Equalization Fund of the estimated staff assessment income of $1,037,502.

GENERAL ASSEMBLY ACTION (June)

On 27 June [meeting 695], on the recommendation of the Fifth Committee [A/56/715/Add.1], the General Assembly adopted resolution 56/296 without vote [agenda item 156].


The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Transitional Administration in East Timor and the United Nations Mission of Support in East Timor, the related note by the Secretary-General and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1272(1999) of 25 October 1999 regarding the establishment of the United Nations Transitional Administration in East Timor and the subsequent resolutions by which the Council extended the mandate of the Transitional Administration, the latest of which was resolution 1392(2002) of 31 January 2002,

Recalling also its resolution 54/246 A of 23 December 1999 on the financing of the Transitional Administration and its subsequent resolutions thereon, the latest of which was resolution 56/249 of 24 December 2001,

Recalling further Security Council resolution H10 (2002) of 17 May 2002, by which the Council established the United Nations Mission of Support in East Timor as of 20 May 2002 for an initial period of twelve months,

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

Recognizing also that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 301(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the trust fund for the multinational force,

Also noting with appreciation that voluntary contributions have been made to the Trust Fund for the United Nations Transitional Administration in East Timor,

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

1. Takes note of the status of contributions to the United Nations Transitional Administration in East Timor as at 30 April 2002, including the contributions outstanding in the amount of 101 million United States dollars, representing some 8 per cent of the total assessed contributions, notes with concern that only twenty-five Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. Expresses its appreciation that voluntary contributions which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Transitional Administration in full and on time;

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

4. Also expresses concern at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. Emphasizes that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. Also emphasizes that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. Reiterates its request to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the United Nations Mission of Support in East Timor;

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

Financial performance report for the United Nations Transitional Administration in East Timor for the period from 1 July 2000 to 30 June 2001

Final disposition of assets for the United Nations Transitional Administration in East Timor

10. Also takes note of the report of the Secretary-General on the final disposition of the assets of the Transitional Administration;

11. Approves the donation of assets to the Government of East Timor;

Financing for the United Nations Transitional Administration in East Timor for the period from 1 July 2001 to 30 June 2002

12. Decides that the expenditure for the period from 21 May to 30 June 2002 for the transitional financing of the United Nations Mission of Support in East Timor will be met from the appropriation of 455 million dollars for the Transitional Administration for the period from 1 July 2001 to 30 June 2002 provided for in its resolution 56/249;

13. Decides also to apportion among Member States the amount of 80,096,775 dollars for the period from 1 January to 30 June 2002, representing the balance of the appropriation for the period from 1 July 2001 to 30 June 2002 that has not been apportioned (58 million dollars) and the balance of the amount previously apportioned under its resolution 56/249 that was subject to the extension of the mandate of the Transitional Administration (27,096,775 dollars), in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/236 of 25 December 2000, and taking into account the scale of assessments for the year 2002 as set out in its resolution 55/5 B of the same date;

14. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of 10,150,700 dollars for the period from 1 July 2002 to 30 June 2003, the prorated share of 1,610,300 dollars of the estimated staff assessment income approved for the support account for the period from 1 July 2002 to 30 June 2003 and the increase in staff assessment income of that account for the period from 1 July 2002 to 30 June 2003 and the reduction in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001;

15. Decides to continue to use the Special Account established in accordance with resolution 54/246 A for the Transitional Administration for the United Nations Mission of Support in East Timor, beginning on 1 July 2002;

16. Decides also to appropriate to the Special Account for the United Nations Mission of Support in East Timor the amount of 305,242,700 dollars for the period from 1 July 2002 to 30 June 2003, inclusive of 292 million dollars for the establishment and maintenance of the Mission, 11,825,900 dollars for the support account for peacekeeping operations, and 1,416,800 dollars for the United Nations Logistics Base;

Financing of the appropriation

17. Decides further to apportion among Member States the amount of 305,242,700 dollars at a monthly rate of 25,436,891 dollars, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/236, and taking into account the scale of assessments for the year 2002 and 2003, as set out in its resolution 55/5 B, subject to the decision of the Security Council to extend the mandate of the Mission;

18. Decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 17 above, their respective share in the Tax Equalization Fund of 10,150,700 dollars for the period from 1 July 2002 to 30 June 2003, at a monthly rate of 845,894 dollars, comprising the estimated staff assessment income of 8,414,200 dollars approved for the Mission for the period from 1 July 2002 to 30 June 2003, the prorated share of 1,610,300 dollars of the estimated staff assessment income approved for the support account for the period from 1 July 2002 to 30 June 2003 and the increase in staff assessment income of that account for the period from 1 July 2002 to 30 June 2003 and the reduction in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001;

19. Decides also that, for Member States that have fulfilled their financial obligations to the Transitional Administration, there shall be set off against their apportionment, as provided for in paragraph 17 above, their respective share of the unencumbered balance of 35,412,100 dollars and their respective share of other income of 29,140,000 dollars in respect of the financial period ended 30 June 2001, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/236, and taking into account the scale of assessments for the year 2001 as set out in its resolution 55/5 B;

20. Decides further that, for Member States that have not fulfilled their financial obligations to the Transitional Administration, their respective share of the unencumbered balance of 35,412,100 dollars and other income of 29,140,000 dollars in respect of the financial period ended 30 June 2001 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 19 above;

21. Decides that the decrease in the staff assessment income of 2,504,400 dollars in respect of the financial period ended 30 June 2001 shall be set off against the credits from the unencumbered balance referred to in paragraphs 19 and 20 above;

22. Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

23. Encourages the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

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

25. Decides to include in the provisional agenda of its fifty-seventh session an item entitled "Financing of the United Nations Transitional Administration in

On 20 December, the Assembly decided that the agenda item on the financing of UNTAET and UNMISET would remain for consideration during its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee should continue consideration of the item at that session (decision 57/556).

UNAMET
On 6 September, the General Assembly decided to include the item on the financing of UNAMET’s fifty-seventh (2002) session in the agenda (decision 56/483). On 20 December, the Assembly decided that the item would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee should continue consideration of the item at that session (decision 57/556).

Other matters

Cambodia
During 2002, the United Nations continued to work towards the establishment of a tribunal to try top Khmer Rouge leaders for crimes against humanity committed during the period of Democratic Kampuchea (1975-1979).

In resolution 57/228 A of 18 December (see p. 642), the General Assembly requested the Secretary-General to resume negotiations to conclude an agreement with Cambodia on the establishment, with international assistance, of Extraordinary Chambers within the existing court structure of Cambodia for the prosecution of serious violations of Cambodian law and international law committed during the period of Democratic Kampuchea. It also recommended, among other things, that the Extraordinary Chambers should have personal jurisdiction over senior Khmer Rouge leaders.

(For the situation of human rights in Cambodia, see p. 641.)

UNTAC financing and liquidation
On 6 September, the General Assembly decided to include the item on the financing and liquidation of the United Nations Transitional Authority in Cambodia (UNTAC), which terminated in 1993 [YUN 1995, p. 371], in the draft agenda of its fifty-seventh (2002) session (decision 56/485). On 20 December, it decided that the item would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee would continue consideration of the item at that session (decision 57/556).

India-Pakistan
An abrupt escalation of tensions between India and Pakistan during the first half of 2002 created great international anxiety. The Secretary-General appealed to both parties to resume their bilateral dialogue and to resolve their differences, over Kashmir in particular, by peaceful means.

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) continued in 2002 to monitor the situation in Jammu and Kashmir. On 23 May [S/2002/593], the Secretary-General informed the Security Council of his proposal to add Croatia to the list of contributors to UNMOGIP, since Sweden had notified him that it intended to reduce its participation in the Group. On 29 May [S/2002/594], the Council took note of the Secretary-General’s proposal. On 15 August [S/2002/946], the Secretary-General informed the Council of his intention to appoint Brigadier General Pertti Puonti (Finland) as Chief Military Observer of UNMOGIP, replacing Major General Hermann K. Loidolt (Austria), who would relinquish his post on 30 August. The Council took note of the Secretary-General’s intention on 21 August [S/2002/947].

Communications. By a 2 January letter to the Secretary-General [S/2002/13 & Corr.1], the Libyan Arab Jamahiriya said that Colonel Muammar Qaddafi, Leader of the Revolution, had addressed letters to the President of Pakistan and the Prime Minister of India in order to defuse the crisis between the two countries. He had urged both leaders to avoid the serious consequences that could arise from the use of weapons of mass destruction and had decided to dispatch a Libyan envoy to India and Pakistan.

On 25 February [A/56/837-S/2002/200], India and the Russian Federation transmitted to the Secretary-General the text of a joint statement released by the Russian Minister for Foreign Affairs and the Indian Minister for External Affairs at a meeting held in Delhi, India, on 4 February. The Ministers emphasized, among other things, the need for Pakistan to cooperate in stopping the infiltration of terrorists into India, across the international boundary and the Line of Control, and in ending the continued terrorist violence in
Jammu and Kashmir. They noted that sustained and irreversible steps in that direction would create a conducive environment for the resumption of dialogue between India and Pakistan.

In a 26 March response [A/56/888-S/2002/33], Pakistan informed the Secretary-General that the Russo-Indian statement misrepresented facts and reflected an attempt to cover up the ongoing Indian repression against the Kashmiri people. The statement tried to mislead international opinion and malign the legitimate struggle of the Kashmiri people for their right to determine their own future by linking it with international terrorism.

On 22 May [S/2002/571], Pakistan informed the Security Council that India had deployed nearly 1 million troops in battle position along the international border with Pakistan and the Line of Control in Kashmir. Despite that, India accused Pakistan of infiltration across the border, and India refused to submit its allegations to monitoring by UNMOGIP or to impartial investigation. Though it wished to avoid conflict, Pakistan was ready to meet resolutely any aggression by India against Pakistani territory or the territories of Kashmir. Pakistan was ready to cooperate with any efforts by the United Nations or the international community for reducing tensions.

In two separate letters to the Secretary-General dated 28 May, the Organization of the Islamic Conference (OIC) [S/2002/592] and the EU [S/2002/595] expressed their concern over the deterioration of Indo-Pakistani relations and, in particular, the military incidents that had taken place at the border.

On 11 June [A/56/975-S/2002/657], in identical letters to the Secretary-General and the Security Council President, Mali said that OIC had established a Contact Group on Jammu and Kashmir, in order to promote efforts to address the dispute in that region. The Contact Group urged the Council and the Secretary-General to take expeditious steps to prevent the use of force or threat of force and to call for immediate military de-escalation and mutual withdrawal of forces by India and Pakistan to normal peacetime locations. Further steps had to be taken by the parties to defuse the tensions and halt the violations of human rights while simultaneous actions were taken to discourage recourse to violence in the Kashmiri struggle for self-determination.

On 12 August [A/56/1029-S/2002/921], Pakistan said that India had announced a schedule for the conduct of a four-phase election for the so-called State Assembly in Indian Occupied Jammu and Kashmir. According to Pakistan, that electoral exercise was another attempt by India to give an appearance of legitimacy to its occupation of those two states. Pakistan’s position on that issue stemmed from relevant Council resolutions that promised the Kashmiri people their right to determine their own future through a UN-supervised plebiscite.

Iran-Iraq


Korea question

By a 14 January letter to the Security Council President [S/2002/64], the Democratic People’s Republic of Korea (DPRK) said that the remains of 59 people who had been killed by United States troops during the Korean war (June 1950–July 1953) had been unearthed in Sinchon county.

On 4 July [S/2002/734], the DPRK transmitted to the Council President the text of a 3 July memorandum, issued on the occasion of the thirtieth anniversary of the publication of the 4 July 1972 North-South Joint Statement on principles of reunification [YUN 1972, p. 150].

On 22 August [A/56/1029], the DPRK and the Republic of Korea requested that the item on peace, security and reunification on the Korean peninsula be included in the agenda of the General Assembly. On 6 September, the Assembly decided to include the item in the draft agenda of that session (decision 56/478).

By an 18 November letter to the Secretary-General [A/57/67], the DPRK said that high-ranking officials of the UN Secretariat were making thoughtless statements on the nuclear issue between the DPRK and the United States. The DPRK maintained that it was implementing its obligations under the 1994 Agreed Framework adopted between the DPRK and the United States [YUN 1994, p. 442].

On 20 December, the Assembly decided that the item on peace, security and reunification on the Korean peninsula would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585).
IAEA safeguards inspections

Pursuant to the agreement between IAEA and the DPRK for the application of safeguards in connection with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, adopted by the General Assembly in resolution 2373(XXII) [YUN 1968, p. 17], in force since 1992 [YUN 1992, p. 73], IAEA continued to maintain an inspector presence in Nyongbyon to monitor the freeze of the DPRK’s graphite-moderated reactors instituted in 1994 [YUN 1994, p. 442]. The DPRK continued to accept IAEA’s activities in that regard solely within the context of the 1994 Agreed Framework and not under its safeguards agreement with the Agency [S/2002/211].

IAEA was still unable to verify the correctness and completeness of the DPRK’s initial declaration of nuclear material subject to safeguards, and hence, it was unable to conclude that there had been no diversion of nuclear material in that country.

Nepal

In an 8 May statement [A/56/952], the EU Presidency expressed concern at the worsening security situation in Nepal and the continuing violence and attacks against civilians by the Communist Party of Nepal (Maoists). The EU endorsed the efforts of the Government of Nepal to urge the Maoists to return to the negotiating table in order to achieve a sustainable political resolution.

Papua New Guinea

During 2002, steady progress was achieved in Bougainville, a province of Papua New Guinea, in the implementation of the 2001 Bougainville Peace Agreement. The Agreement, which covered the issues of autonomy, referendum and weapons disposal, was concluded in August 2001 between the Government of Papua New Guinea and the four Bougainville parties involved in the nine-year conflict that ended in the 1997 Burnham Truce [YUN 1998, p. 309].

A UN presence in the form of the United Nations Political Office in Bougainville (UNPOB), requested under the 1998 Lincoln Agreement on Peace, Security and Development in Bougainville [ibid.], continued to report on its monitoring activities. In 2002, UNPOB took a leading role, at the request of the parties, in the disposal of weapons. A joint mission composed of members of the UN Departments of Political Affairs, Disarmament Affairs, and Economic and Social Affairs was dispatched to Bougainville in May to identify measures for enhancing disarmament efforts.

On 18 November [S/2002/1579], the Secretary-General informed the Security Council that he had received an aide-memoire and a letter from Papua New Guinea requesting that UNPOB’s mandate, which was due to expire on 31 December, be extended by a further 12 months. Noteworthy achievements in 2002 included the certification of the Constitutional Laws; the issuing and entry into effect of the declaration granting immunity from prosecution for crisis-related offences on all sides; implementation of the weapons disposal plan; agreement to a timetable for preparing and adopting the Bougainville Constitution, followed by elections for the autonomous Bougainville government; and ongoing progress in other areas of peace-building, including reconciliation. Encouraged by the steady progress made in the implementation of the Peace Agreement and aware of the central role played by UNPOB, which was reaffirmed at the meeting of the Peace Process Consultative Committee (Arawa, 30 October), the Secretary-General expressed his intention to extend the mandate for a further 12 months in order to assist the parties to bring the peace process to a successful conclusion.

On 19 December [S/2002/1380], the Council took note of the Secretary-General’s intention and endorsed a final extension of UNPOB’s mandate for 12 months to 31 December 2003. The Council was concerned, however, that delays in the implementation of the Agreement had led to the need for an extension of UNPOB’s mission by a full year beyond the end-date envisioned in 2001. Specifically, the Council was concerned that delays in the completion of stage two of the weapons disposal process, which had to be certified by UNPOB, were preventing progress towards the formation of an autonomous Bougainville government and the coming into operation of the guarantee of a referendum among Bougainvilleans on their political future. The Council urged all parties to the Agreement to abide fully by their obligations within the time frame of UNPOB’s mandate, in particular, to turn in all outstanding weapons and respect the integrity of the arms disposal process. In order to better track and assess UNPOB’s activities, the Council requested that the UN Secretariat produce a written report on UNPOB’s progress prior to the Council’s next quarterly briefing on Bougainville. The report should include a clear exit strategy for the completion of UNPOB’s mission and withdrawal, with a timetable and benchmarks that incorporated the holding of elections.
Tajikistan

On 26 April [S/2002/501], the Secretary-General informed the Security Council of his intention to continue the activities of the United Nations Tajikistan Office of Peace-building (UNTOP) for another year, until 1 June 2003, in view of its role over the preceding year and Tajikistan’s need for continuing support in its post-conflict peace-building efforts. The Council took note of the Secretary-General’s intention on 1 May [S/2002/502].

UNTOP, which was established in 2000 [YUN 2000, p. 315], focused on facilitating the process of reconciliation and broadening national consensus in the political environment after a prolonged civil war conflict. Together with the UN country team, it contributed to the mobilization of international support for targeted programmes aimed at the creation of employment and the retraining of former irregular fighters and their integration into civilian life.

On 25 November, the General Assembly adopted resolution 57/103 on emergency international assistance for peace, normalcy and rehabilitation in Tajikistan (see p. 903).

UNMOT financing

On 17 June [A/57/89], the Secretary-General reported on the financing and final disposition of the assets of the United Nations Mission of Observers in Tajikistan (UNMOT), whose mandate terminated in May 2000 [YUN 2000, p. 314]. The inventory value of the assets as at 31 December 2000 amounted to $9.6 million, 68 per cent of which had been transferred to other peacekeeping operations or to the United Nations Logistics Base at Brindisi, Italy, for temporary storage.

On 6 September, the General Assembly decided to include in the draft agenda of its fifty-seventh (2002) session the item on the financing of UNMOT (decision 56/484). On 20 December, the Assembly decided that the item would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee would continue consideration of the item at that session (decision 57/556).

Asia and the Pacific 333

United Arab Emirates–Iran

Greater Tunb, Lesser Tunb and Abu Musa

The Council of the League of Arab States, at its one hundred and eighteenth regular session (Cairo, Egypt, 4–5 September), adopted a resolution on Iran’s occupation of the Arabian Gulf islands of the Greater Tunb, the Lesser Tunb and Abu Musa belonging to the United Arab Emirates [S/2002/1082]. The Council condemned Iran’s violation of the sovereignty of the United Arab Emirates and called on the Iranian Government to put an end to its occupation of the three islands.

UN-ASEAN cooperation

The United Nations and the Association of South-East Asian Nations (ASEAN) increased contacts and cooperation on matters relating to regional peace and security during 2002.

GENERAL ASSEMBLY ACTION

On 21 November [meeting 56], the General Assembly adopted resolution 57/35 (draft: A/57/L.16 & Add.1) without vote (agenda item 22 (c)).

Cooperation between the United Nations and the Association of South-East Asian Nations

The General Assembly,

Bearing in mind the aims and purposes of the Association of South-East Asian Nations, as enshrined in the Bangkok Declaration of 8 August 1967, in particular the maintenance of close and beneficial cooperation with existing international and regional organizations with similar aims and purposes,

Noting with satisfaction that the activities of the Association are consistent with the purposes and principles of the United Nations,

Welcoming the cooperation between the Association and the United Nations system,

Welcoming also the participation of the Association in the high-level meetings between the United Nations and regional organizations, including the fourth meeting, held in New York on 6 and 7 February 2001,

Encourages both the Association of South-East Asian Nations and the United Nations to increase contacts and to further identify areas of cooperation, as appropriate;

Requests the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution;

Decides to include in the provisional agenda of its fifty-ninth session the sub-item entitled “Cooperation between the United Nations and the Association of South-East Asian Nations”.

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