Chapter IV

Asia and the Pacific

The year 2003 was a challenging one for the United Nations in the Asia and Pacific region as the war in Iraq severely tested the principle of collective security and the resilience of the Organization.

In Afghanistan, the security situation continued to endanger the peace process. Increased terrorist activity, factional fighting and activities associated with the illegal narcotics trade posed the greatest challenges to stability and socio-economic development. Lack of security in certain parts of the country forced the United Nations to suspend its mission support in four southern provinces. Despite those setbacks, progress continued to be made in implementing the 2001 Bonn Agreement. Constructive events included the beginning of the demobilization, disarmament and reintegration programme, the drafting of a constitution, the commencement of the electoral registration process and the convening of a nationwide constitutional assembly, or Loya Jirga. In May, the Afghan Transitional Authority (TA), led by President Hamid Karzai, secured an agreement with provincial governors and commanders that prohibited provincial leaders from simultaneously holding civil and military positions and called for the centralization of customs revenues; however, those commitments were only partially implemented by the end of the year. The United Nations Assistance Mission in Afghanistan (UNAMA) continued to assist in the implementation of the Bonn Agreement and in reconstruction. The Security Council established an electoral unit within UNAMA to assist the TA with preparations for the holding of national elections, scheduled to take place in 2004. UNAMA’s mandate was extended for an additional period of one year to reaffirm its support for the peace process. The Security Council expanded the mandate of the International Security Assistance Force, which continued to assist the TA in the maintenance of security in the capital, Kabul, to allow it to operate in areas outside Kabul and its environs. The North Atlantic Treaty Organization assumed leadership of the Force in August. The Council also adopted new sanctions against Osama bin Laden, the terrorist organization Al-Qaeda, the Taliban and their associates. The Secretary-General’s Special Representative for Afghanistan, Lakhdar Brahimi, continued to coordinate UN activities in the country.

The war in Iraq, which began on 20 March, severely tested the cohesiveness and purpose of the United Nations. Rarely in its 58-year history had such dire forecasts been made about the Organization. On 19 August, the UN headquarters in Baghdad was subjected to a deliberate and vicious terrorist attack. The Secretary-General’s Special Representative for Iraq, Sergio Vieira de Mello, and 21 other persons were killed and many others were wounded. The attack dealt a severe blow to the ability of the United Nations to assist Iraq in the post-war phase. Prior to the commencement of military action, the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency carried out extensive inspection activities in Iraq and provided the Security Council with periodic updates on their findings. The Council convened repeatedly at the ministerial level to discuss the situation in Iraq. Three permanent members of the Council strongly opposed the use of force. On 17 March, the Secretary-General suspended UN activities in Iraq and the following day withdrew all UN system personnel. As at 19 March, UN inspectors reported that they had not found any evidence of proscribed weapons of mass destruction in Iraq, though the time available to them was considered insufficient to complete an overall assessment. UN personnel started returning to Iraq in April, following the overthrow of Saddam Hussein’s regime by coalition forces, led by the United States. The Coalition Provisional Authority was established by the occupying forces to provide for the provisional administration of Iraq. In July, the Authority established the Governing Council of Iraq, the principal body of the Iraqi interim administration. An escalation of attacks against the United Nations and other foreign organizations, which started in August 2003, led the Secretary-General to temporarily relocate all UN international staff outside the country. Although the United Nations Assistance Mission for Iraq was established in August, its core was set up in Nicosia, Cyprus, due to the deteriorating security situation. In November, the Authority and the Governing Council signed an agreement setting...
out a political process for the restoration of sovereignty by 30 June 2004, and for the drafting of a new constitution and the holding of national elections. Following the end of major military hostilities, the Security Council lifted civilian sanctions on Iraq. Consequently, the Council’s Sanctions Committee and the humanitarian oil-for-food programme were phased out over a period of six months and terminated on 21 November 2003 after 13 years of a comprehensive sanctions regime. The Council established the independent Advisory and Monitoring Board, an independent oversight body, to monitor oil sales in Iraq, and established a new committee to continue identifying individuals and entities affiliated with the former Iraqi regime for the purpose of freezing their funds, financial assets and economic resources. The fall of the Hussein regime led to the discovery of mass graves in Iraq and the identification of remains, including those of Kuwaiti missing persons. In March, the mandate of the United Nations Iraq-Kuwait Observation Mission was suspended and most of its staff evacuated. The Mission maintained a small peacekeeping force in Kuwait City to support, among other things, UN humanitarian assistance programmes for Iraq. In July, the Council extended the Mission’s mandate for a final three-month period, until 6 October. On 13 December, Saddam Hussein was captured by Coalition forces.

During the year, Timor-Leste continued to establish and strengthen its national institutions with assistance from the United Nations Mission of Support in East Timor (UNMIL) and UN agencies. The Timorese civil administration and police force progressively assumed greater responsibilities in their respective areas. However, in response to violent attacks by armed elements in January and February, the Security Council decided to slow down the downsizing schedule for the military and police components of UNMISET. The Mission’s mandate was extended for a further year, until 20 May 2004. Relations between Indonesia and Timor-Leste continued to improve, although the two countries did not reach a final agreement on a provisional border line by the target date of 30 November. The ratification of the Timor Sea Treaty between Timor-Leste and Australia paved the way for the exploitation of mineral resources in the Timor Sea and the sharing of revenues, with 90 per cent being awarded to Timor-Leste.

In 2003, the United Nations resumed negotiations with the Government of Cambodia on the establishment 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. Those negotiations resulted in the preparation of a draft agreement between the United Nations and Cambodia, which the General Assembly approved in May, and which was signed on 6 June.

Particular attention was paid to developments in the Democratic People’s Republic of Korea, as the country informed the Security Council in January that it was putting into effect its 1993 decision to withdraw from the 1968 Treaty on the Non-Proliferation of Nuclear Weapons. The activities of the United Nations Tajikistan Office of Peace-building were extended for another year, until 1 June 2004, in order to continue to support Tajikistan in its post-conflict peacebuilding efforts. Among other concerns in the region that were brought to the attention of the United Nations were the deterioration of law and order in Solomon Islands and the situation in Bougainville, Papua New Guinea.

### Afghanistan

During 2003, further progress was made in implementing the 2001 Bonn Agreement [YUN 2001, p. 263], which had set in motion Afghanistan’s transition from war and instability to peace and democracy. Major steps included the pilot phase of the demobilization, disarmament and reintegration programme, the drafting of a constitution, the beginning of electoral registration and the convening of the Constitutional Loya Jirga (grand council), which was still in session as at 31 December. However, the deterioration in security, brought about by increased terrorist activity, factional fighting, activities associated with the narcotics trade and unchecked criminality, impeded the peace process. The absence of a secure environment led the United Nations to suspend its mission support in four southern provinces. The Afghan Transitional Authority (TA), led by President Hamid Karzai, enacted security reform measures and, in May, through the Afghan National Security Council, forbade the use of private militias and called for the transfer of provincial revenues to the TA.

The United Nations Assistance Mission in Afghanistan (UNAMA), under the leadership of the Secretary-General’s Special Representative, Lakhdar Brahimi (Algeria), continued its efforts on behalf of Afghanistan throughout the year, together with its partner organizations. In March, the Security Council extended UNAMA’s mandate to provide support for the implementa-
tion of the Bonn Agreement for an additional period of one year. The Council also established an electoral unit within UNAMA to assist the TA with preparations for the national elections, scheduled for 2004. Noting the link between drug trafficking and terrorism, the Council further called for coordinated efforts to combat the drug trade in Afghanistan.

A Security Council mission visited Afghanistan in October/November with the primary purpose of reaffirming the international community’s support for the peace process and to send a strong signal to the Afghan people that their plight remained high on the Council’s agenda. The mission, among other things, called for an end to factional fighting.

In January, the Council also adopted new sanctions measures against Osama bin Laden, Al-Qaida, the Taliban and their associates, including a freeze of financial and economic assets, a travel ban and an arms embargo. In order to clarify its identity and mandate, the Afghanistan Sanctions Committee changed its name to the Security Council Committee established pursuant to resolution 1267(1999) [YUN 1999, p. 265] concerning Al-Qaida and the Taliban and associated individuals and entities. Although the Committee’s consolidated list remained a critical tool for implementing all sanctions measures, it was felt that there was a need to further upgrade the list’s information quality. The Monitoring Group was reappointed to monitor the implementation of the sanctions measures for a further period of one year.

The International Security Assistance Force (ISAF), a multinational force established by Security Council resolution 1386(2001) [YUN 2001, p. 267], continued to assist the Afghan Government in the maintenance of security in Kabul and its surrounding areas. The North Atlantic Treaty Organization (NATO) assumed lead command for ISAF in August, replacing Germany and the Netherlands. Those two countries had assumed lead command in February 2003 from Turkey. In October, the Council expanded ISAF’s mandate to allow it to support the TA in the maintenance of security in areas outside of Kabul and its environs.

The Economic and Social Council, in July, adopted resolution 2003/43 on the situation of women and girls in Afghanistan (see p. 1175).

Situation in Afghanistan

The situation in Afghanistan in 2003 was described by the Secretary-General in three progress reports to the Security Council and the General Assembly dated 18 March [A/57/762-S/2003/333], 23 July [A/57/850-S/2003/754 & Corr.1] and 30 December [S/2003/1212]. The reports described the status of implementation of the 2001 Bonn Agreement, in particular the work of the TA; political and security issues; humanitarian relief, recovery and reconstruction; developments regarding UN deployment in Afghanistan; and UNAMA’s activities and mandate. In a 3 December report to the Assembly [A/58/686], which focused on international assistance for the reconstruction of Afghanistan, the Secretary-General described key political and humanitarian developments from July 2002 to November 2003.

Security Council consideration (January and February). The Security Council discussed the situation in Afghanistan on 31 January [meeting 4699] and 24 February [meeting 4711].

On 31 January, the Council was briefed by the Special Representative of the Secretary-General for Afghanistan, Lakhdir Brahimi, who said that in 2003 Afghanistan would have to strengthen and rebuild the foundations of the State, address the political and security uncertainties and meet the rising expectations of its people. To that end, President Hamid Karzai had been discussing with the United Nations and other partners the need for the Afghan Government to articulate a clear plan of action setting out the main goals for 2003. Broadly, there was a need to focus on three main areas: strengthening the key State institutions; national reconciliation; and reconstruction projects throughout the country. With respect to State institutions, progress had to be made on building the army and training and reform of the police. The drafting and ratification of the new constitution would also be a fundamental State-building exercise. With respect to national reconciliation, the political base supporting the peace process had to be broadened as too many Afghans felt excluded from the Government and the political transformation that Afghanistan was undergoing. As to reconstruction, Afghans had to be presented with clearly identified projects that could build the economy and increase confidence in the Government. Some reports suggested that support for the Taliban was growing in some parts of Afghanistan, a reminder that the peace process was far from secure.

The security situation on the ground during January had been relatively calm, with no outbreak of major, sustained fighting. However, security incidents continued to occur as a result of inter-factional tension and sporadic terrorist activity. Although tensions had been reduced in parts of the country through mediation, the high rate of criminal activity by armed groups in and around the city of Mazar-e-Sharif and attacks
against the United States-led coalition forces continued. The Afghan TA continued to implement its agenda for security sector reform. In January, subcommittees for the recruitment of a new national army and for the demobilization and disarmament of former combatants were established. France and the United States, which were providing training for the new army, estimated that by the end of 2003 approximately 7,000 soldiers would have completed the basic training course. Japan had committed significant funding to the Afghan New Beginnings Programme, aimed at registering soldiers and, through a series of benefits and training packages, assisting them in their reintegration into civilian life. The German-led national police training project was providing training for some 1,450 police officers. However, the TA continued to face difficulties in paying police salaries.

In the justice sector, the Afghan Judicial Commission’s draft plan for legislative and constitutional reform and the rebuilding of the judicial system was being finalized in consultation with Italy, the lead nation in support of that sector, the UN and its agencies and donors. Progress in establishing the rule of law would continue to be constrained by the depleted pool of experienced lawyers and the limited capacity of the penal system. On 27 January, the Constitutional Drafting Commission, together with UNAMA and the United Nations Development Programme (UNDP), met with donors and interested Member States represented in Kabul to discuss the constitutional process. The Commission was expected to finalize a preliminary draft by March. That draft would be reviewed by the full Constitutional Commission, whose 50 or so members were being selected. From April through early June, the Constitutional Commission was to conduct countrywide public consultations to discern the public’s view on key constitutional issues. Taking into account the results of those consultations, the Commission would finalize a draft by late August. The final step would be the convening of a Loya Jirga (grand council), tentatively scheduled to take place in June 2004. UNAMA, assisted by the Electoral Assistance Division of the UN Department of Political Affairs, was in the process of assembling an electoral team in Kabul to assist the TA on electoral matters and to help build electoral capacity inside that Government. The Afghan Independent Human Rights Commission had been implementing its work programme with the support of UNAMA, the Office of the United Nations High Commissioner for Human Rights and UNDP. That programme covered capacity-building in the fields of investigations and monitoring, human rights education, promotion of the rights of women and transitional justice.

The United Nations Transitional Assistance Programme for Afghanistan (TAPA) [YUN 2002, p. 900] reflected an agreement between the TA and the UN assistance agencies on relief, recovery and reconstruction programmes and their linkage to national priorities identified by the Afghan Government itself. TAPA aimed to ameliorate the underlying causes of humanitarian needs and to establish the foundation for reconstruction and long-term development. TAPA’s aims included the Mine Action Programme’s target to clear high-impact areas of mines and unexploded ordnance within five years and preparations for the national census.

Illegal drug production and trafficking in Afghanistan remained a critical concern, with significant poppy cultivation resuming in 2002 after several years of reduced production. Certain aspects of the drug economy—such as the refining and transportation of drug products—were driven by the opportunity for massive and illicit profit, which, in the past, had been used to nurture a war economy. The TA had launched a poppy eradication programme in conjunction with the governors of the five main drug-producing provinces. Although it was too early to evaluate the effectiveness of that campaign, it was clear that alternative livelihoods in drug-producing areas were needed for the eradication programme to be sustainable over the long term.

On 24 February, the Council was briefed on the latest developments in Afghanistan by Jean-Marie Guéhenno, Under-Secretary-General (USG) for Peacekeeping Operations. Also participating in the meeting were Harald Braun, Special Representative of the German Government for the training of the Afghan police force, at the request of Germany [S/2003/200], and Mutsuyoshi Shimura, Ambassador of Japan in charge of Afghan Aid Coordination, at the request of Japan [S/2003/299].

The USG said that progress had been made with respect to the implementation of the political transition outlined in the 2001 Bonn Agreement [YUN 2001, p. 263], especially in the drafting of a new constitution. President Karzai’s office was preparing a decree that would establish the Constitutional Commission and detail the main elements of the constitutional process. The nine members of the Functioning Constitutional Drafting Commission would be made part of the larger Constitutional Commission, to be established in March. A list of almost 80 candidates for possible selection to the Commission had been compiled by President Karzai’s office. Pub-
lic consultations on the constitutional process would take place between April and June throughout the country and among the Afghan diaspora in Iran and Pakistan. Technical assistance from UNAMA, UNDP, bilateral donors and academic sources had been made available to the Drafting Commission and its secretariat. Progress had also been made in the preparations for the elections, scheduled for June 2004. On 15 February, President Karzai sent the Secretary-General a letter formally requesting UNAMA’s assistance in organizing the electoral process and coordinating international electoral assistance. The head of UNAMA’s electoral section, who had arrived in Kabul, had begun to work on preparations for the elections. A core team of electoral experts was in the process of being deployed to UNAMA. On the Afghan side, President Karzai had identified a number of candidates for membership in the electoral commission, which was expected to be formed in March. Once the commission was established, it would work with UNAMA to create an Afghan electoral authority to manage the electoral process. At the same time, the TA was finalizing its budget for the next financial year, which would begin on 21 March. Afghans were optimistic that the international community would fulfill the commitments it had already made for 2003. The TA looked forward to receiving between $1.7 billion and $2 billion in aid for 2003. However, it was concerned about the slow pace of allocations.

While the Bonn process had averted full-scale fighting between major rival factions, Afghans continued to suffer on a human level from the insecurity created by the conjunction of weak national security institutions and strong local commanders. In eastern Afghanistan, the Government’s poppy-eradication campaign continued to face strong opposition from local tribes who did not feel they had been offered sufficient compensation. UN activities had been suspended in four districts in Narghar as a result of that tension. Despite a general sense of concern about security conditions across the country, the handover of ISAF command from Turkey to Germany and the Netherlands proceeded smoothly (see p. 308). The challenges of reforming the Afghan security sector were significant: the national army needed to be built, factional armies had to be dissolved, and assistance had to be provided to help ex-combatants reintegrate into civilian life. There was also a need for the creation of a national police force, the re-establishment of the rule of law, the rehabilitation of the justice sector and the countering of the cultivation of and trafficking in illicit drugs. Finally, the bloated and intrusive intelligence structures also needed to be reformed. Security sector reform was all the more urgent because of the need to provide minimal conditions of stability to ensure that the Constitutional Loya Jirga and the national elections were meaningful and credible. The United Nations had established four trust funds for contributions to the police, the justice sector, disarmament, demobilization and reintegration (DDR) of former combatants and the payment of salaries, and the provision of non-lethal equipment to the Afghan national army. While support from the international community was necessary, the political underpinnings of security sector reform had to be strengthened by the deeds and words of the TA.

Mr. Nishimura said that Afghanistan was still replete with weapons and armaments and, despite some notable progress, there was a high level of tension between the armed formations. Nation-building could not succeed under those conditions, nor could national reconciliation be achieved. For the people of Afghanistan, the restoration of peace and the rule of law was their greatest aspiration. There was unanimous agreement among all parties that DDR of soldiers and officers was of the highest priority. However, a new national army and national police force also had to be created to allow the State to exercise the sole enforcement capacity. Counter-narcotics actions and an independent judiciary were likewise necessary. Mindful of those considerations, President Karzai, on 1 December 2002 [YUN 2002, p. 271], had issued a decree outlining principles and conditions with respect to security, the military and DDR. The decree stated that a new Afghanistan National Army (ANA) would be created of not more than 70,000 soldiers. More importantly, the decree stipulated that military formations, armed groups and any other military or paramilitary units that were not a part of ANA would be prohibited. On 11 January 2003, President Karzai took further steps to move ahead with DDR by issuing decrees establishing four government commissions. Nevertheless, it was anticipated that DDR in Afghanistan would be difficult in view of the heavy legacy of factional rivalries. The fact that a new army had to be built in parallel with DDR added to the complexity of the undertaking. Japan had pledged a contribution of $35 million to jump-start the Partnership for Peace Programme, a basic component of the DDR process. Ultimately, the success of DDR would depend on the economic capacity of the country itself and on its ability to generate enough job opportunities to absorb former combatants.

Mr. Braun said that Germany had assumed the lead role in rebuilding the Afghan police force.
Based on an assessment carried out in 2002 by German and Afghan experts and in coordination with other lead nations in the security sector, a three-stage timetable was established. In the first stage, starting with the Bonn process in late 2001 [YUN 2001, p. 263] and running to the Emergency Loya Jirga in June 2002 [YUN 2002, p. 266], the basic structures of the new national police were created in Kabul. The second stage, which was under way and set to last until the 2004 parliamentary elections, comprised the consolidation and expansion of central structures in Kabul and the gradual extension of those structures into the provinces. The third stage would ensure the functionality of federal and provincial police forces and their interlinking with other security structures, in addition to the gradual withdrawal of Germany as a lead nation by the end of 2005.

The implementation of the timetable faced some difficulties: the security situation had not significantly improved, with the exception of Kabul, where ISAF guaranteed a reasonably secure environment; regional cooperation in the effort to include all provinces in police training had not been uniformly satisfactory; progress had been difficult in the reconstruction of other security sectors, such as the army and in the fight against illicit drugs; and financing had also been a problem. Notwithstanding those restraining factors, the timetable remained on course. Among other things, the groundwork had been laid for a functioning police force in Kabul; training courses for police officers had begun; the reorganization of the police and of the Ministry of the Interior was making good progress; and the integration of the provinces into the police rebuilding programme had commenced. A strategy for national police reconstruction through 2005 that was synchronized with advances in demobilization and armed forces build-up was being fine-tuned by the Ministry of the Interior. However, much remained to be done before the Bonn process became irreversible and before the Afghan Government could acquire the structures and gain the experience necessary for carrying forward the building process on its own.

Following the open meeting, the Council held a constructive exchange of views [S/PY.4712] with Mr. Braun and the USG for Peacekeeping Operations.

Communications (March). On 4 March [A/57/759-S/2003/332], Malaysia, as Chairman of the Coordinating Bureau of the Non-Aligned Movement, transmitted to the Secretary-General the documents adopted at the Thirteenth Conference of Heads of State or Government of the Non-Aligned Countries (Kuala Lumpur, 20-25 February). In the Final Document, the heads of State or Government expressed concern that terrorist groups in Afghanistan, including former Taliban cadres, were regrouping in the southern and eastern parts of the country.

On 18 March [S/2003/335], Portugal, Spain, the United Kingdom and the United States transmitted to the Security Council President the text of a statement entitled “Commitment to transatlantic solidarity” adopted at the Atlantic Summit (Azores, Portugal, 16 March). The four countries said, among other things, that they were working to bring security to Afghanistan and to root out the terrorists that remained inside Afghan territory. (For further details on the Summit, see p. 332.)

Report of Secretary-General (March). In his 18 March report on the situation in Afghanistan and its implications for international peace and security [A/57/762-S/2003/333], submitted in response to Security Council resolution 1401 (2002) [YUN 2002, p. 264] and General Assembly resolutions 57/113 A [ibid., p. 273] and 57/113 B [ibid., p. 900], the Secretary-General summarized the key developments in Afghanistan since his 21 October 2002 report [ibid., p. 269]. He said that progress had been made by the Afghan TA, supported by UNAMA, in implementing the Bonn Agreement. The consolidation of government authority by the TA, in particular through the adoption of a national development budget, the successful completion of a currency reform operation, and the implementation of national programmes to provide clear, tangible economic benefits to the Afghan population had advanced. Progress was also made in key political processes to further the transition towards a multi-ethnic, gender-sensitive and fully representative Afghan Government. They included the Afghan-led constitutional process, by which a draft constitution was to be prepared by March 2003, followed by public consultations and a Constitutional Loya Jirga. Another key process was the preparation of national elections to be held in June 2004. The Electoral Assistance Division of the UN Department of Political Affairs was working with UNAMA to define the modalities for assistance.

Security remained the most serious challenge facing the peace process. Afghans in many parts of the country remained unprotected by legitimate State security structures. Criminal activity by armed groups was particularly evident in the north, east and south, and in many areas confrontation between local commanders continued to contribute to instability, while sporadic acts of terror continued to occur all too frequently. Reports from several sources in the first months of 2003 pointed to increased activity by elements hostile to the Government and to the interna-
tional community in Afghanistan. It appeared that remnant Taliban groups were trying to reorganize in the south-eastern and eastern border areas. However, some progress was made in security sector reform in January with the creation of four commissions to coordinate the related processes of DDR and the building of the national army. The reorganization and training of ANA troops by France and the United States continued; six ANA battalions had been created with newly trained troops and some ANA units had been deployed on limited operations outside Kabul where they conducted patrols and supported local disarmament efforts. Those deployments, which had been generally well received by local populations, had demonstrated that the new army was developing as a professional and disciplined force. The creation of an effective national army and police depended on the successful reintegration into civilian life of members of non-official military formations. On 22 February, Japan, as lead nation for DDR, hosted a conference in Tokyo to mobilize international support for the process. Contributions and pledges totalling $50.7 million were made, Japan pledged $35 million to UNDP for DDR. Progress was also made in rebuilding the national police force. Discussions were underway on the reorganization of the Ministry of the Interior; the German-led police training programme continued; and the Government had taken steps to ensure the accountability of its police force. The Judicial Commission, entrusted with reforming the justice sector, had identified a set of priorities, which included rehabilitation of court premises and short training programmes for judges and other law officers.

Poppy cultivation and the production of and trafficking in drugs remained a major concern, both nationally and internationally. Afghanistan, once again, was expected to be the largest producer of opium in 2003. Crop eradication, based on a presidential decree, was reportedly taking place in many parts of the country, though verification remained problematic. The success of the eradication campaign would depend upon credible police enforcement and the availability of alternative sources of livelihoods to farmers. The United Kingdom, the lead nation in that sector, was working closely with a core group of government ministries, donors and the United Nations to integrate anti-drug activities and identify alternative livelihood projects.

In Afghanistan in general, the lack of adequate national security and law enforcement capacity and the weakness of the justice system exacerbated human rights violations. Abuses were committed in all parts of the country, most often by forces under the control of regional factions or local commanders. The internally displaced persons situation had stabilized somewhat, though families were still moving from the north in search of assistance. The return of the approximately 480,000 internally displaced persons to their home communities would depend on an improvement in the drought-affected areas, the resolution of land disputes and political developments in the north.

UNAMA had completed the task of assimilating the personnel and equipment of the United Nations Special Mission to Afghanistan and the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan. The Secretary-General proposed adjustments to UNAMA’s structure in a few key areas, the most important of which concerned small additions to the military and police adviser’s units, and the establishment of an electoral section headed by a senior expert and supported by an appropriately sized team.

The Secretary-General observed that the TA and the international community, along with UNAMA, could draw satisfaction from a number of significant accomplishments: the timetable of the Bonn Agreement had largely been kept; some 1.5 million refugees and 500,000 internally displaced persons had returned to their homes; a comprehensive national budget had been developed; and no major outbreak of fighting had occurred. At the same time, Afghanistan’s peace process remained fragile. Insecurity and the lack of law and order continued to impact negatively on the lives of Afghans, whittling away at the support for the transitional process. Too many Afghans remained dissatisfied at the pace of reconstruction and economic development and far too many remained uncertain as to whether the transitional process was truly national, providing political space and equal opportunities to all Afghans regardless of their political or ethnic affiliation. After 23 years of war, the progress made in 2002 had begun to shore up the fragile foundations of peace, but stability and national reconciliation were by no means firmly consolidated. That goal required progress on a number of fronts in 2003. Key State institutions had to be entrenched and more control over the continuing problem of security and lawlessness had to be achieved. The army and police would be key institutions in that respect and progress in the overall DDR reform effort would help to promote an improved human rights environment, economic development and the Government’s ability to enhance its authority and legitimacy. Success in the constitution-drafting process would provide the legal foundations for the institutions
of a peaceful, democratic Afghanistan. Specific preparations for elections in 2004 would also have to be advanced in 2003.

Security Council consideration (27 March). On 27 March [meeting 4727], the Security Council discussed the situation in Afghanistan. Assistant Secretary-General for Peacekeeping Operations Hédi Annabi said that UNAMA’s focus over the next year would be to continue to assist the TA to consolidate its authority throughout the country and implement national policies that reached the entire nation. That effort would require enhancing administrative capacity, carrying out security sector reform and furthering the political transformation towards representative government. The determination of the Afghan Government to take the leading role in rebuilding its State and the economy was demonstrated during preparations for the 2003 national budget, which was presented to donors at the Afghanistan Development Forum (Kabul, 13-14 March) and at the Afghanistan High-level Strategic Forum (Brussels, Belgium, 17 March). The budget set the role of the State as regulator and guarantor of social well-being and enshrined the principles of geographic equity in the allocation of resources. It provided for some $2.26 billion in expenditure. The TA estimated that it would collect internal revenues of $200 million and donors had pledged $1.87 billion to date, leaving a funding gap of around $191 million in the 2003 budget. At the heart of the budget process was the issue of government ownership and leadership in setting national priorities for the overall reconstruction agenda—in other words, of transforming an ad hoc system that developed during the years of civil war, when non-governmental organizations (NGOs), the United Nations and other international organizations gradually assumed some State functions related to the delivery of services, into one where the State itself had the capacity to exercise its responsibility for national development. The United Nations had supported that transformation, working with and within ministries to build their capacity and coordinating UN programme priorities with national programme priorities. The TA had already taken steps to effect that transformation, in particular through a currency exchange exercise; through staffing changes that better reflected the ethnic composition of the population; and through the establishment of a number of commissions. Despite that progress, a number of challenges remained, in particular the need to strengthen the links between Kabul and the provinces and to augment the capacity of the provincial and local governments. Since the lack of security threatened the peace process at all levels, security sector reform and the fight against illicit drugs were paramount. Meetings were taking place in Kabul on a regular basis to allow the heads of national commissions, the various lead nations and UNAMA to come together to supervise cooperation among themselves on security sector reforms and to push various programmes and processes forward. The reforms had to be coupled with a political transformation process, of which the drafting of a new constitution and preparations for general elections in 2004 were key components. In order to support the elections, and following a February request by President Karzai, the Secretary-General had proposed the establishment of an electoral section within UNAMA. Electoral consultants, who had already been deployed to UNAMA to assist the Government with the election preparation process, had confirmed that the holding of a registration and election would be a very complex exercise. The United Nations envisioned an electoral section within UNAMA that would be able to provide expert advice and technical assistance to the Afghan electoral management body on such issues as voter registration, voter education, the development of political party laws and the development of the electoral system itself. A certain amount of institutional development had to occur and an adequate level of security had to be in place if the elections were to be meaningful and credible. The Afghan Government had to continue to establish the framework for future elections and UNAMA’s electoral section had to be established and provided with adequate resources.


The Security Council,
Reaffirming its previous resolutions on Afghanistan, in particular resolution 1401(2002) of 28 March 2002 establishing the United Nations Assistance Mission in Afghanistan,
Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, as well as its endorsement of the Declaration on Good-Neighbourly Relations, signed by the Transitional Administration of Afghanistan and the Governments of the People’s Republic of China, the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan, the States neighbouring Afghanistan, in Kabul on 22 December 2002 and its call upon all States to respect and support the implementation of the provisions thereof,
Recognizing the Transitional Administration as the sole legitimate Government of Afghanistan pending democratic elections to be held by June 2004, and reit-
erating 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), in particular annex II regarding the role of the United Nations during the interim period.

Recognizing also that the United Nations must continue to play its central and impartial role in the international efforts to assist the Afghan people in consolidating peace in Afghanistan and rebuilding their country,

1. Decides to extend the mandate of the United Nations Assistance Mission in Afghanistan for an additional period of twelve months from the date of adoption of the present resolution;

2. Welcomes the report of the Secretary-General of 18 March 2003 and the recommendations contained therein, endorses the proposal of the Secretary-General that an electoral unit be established within the Mission, and encourages Member States to support the United Nations electoral activities in Afghanistan;

3. Stresses that the continued provision of focused recovery and reconstruction assistance can contribute significantly to the implementation of the Bonn Agreement and, to this end, urges bilateral and multilateral donors to coordinate closely with the Special Representative of the Secretary-General and with the Transitional Administration, in particular through the Afghan Consultative Group process;

4. Stresses also, in the context of paragraph 3 above, that while humanitarian assistance should be provided wherever there is a need, recovery or reconstruction assistance ought to be provided, through the Transitional Administration, and implemented effectively, where local authorities demonstrate a commitment to maintaining a secure environment, respecting human rights and countering narcotics;

5. Reaffirms its strong support for the Special Representative of the Secretary-General and the concept of a fully integrated Mission, and endorses the full authority of the Special Representative, in accordance with its relevant resolutions, over all United Nations activities in Afghanistan;

6. Requests the Mission, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist the Afghan Independent Human Rights Commission in the full implementation of the human rights provisions of the Bonn Agreement and the National Human Rights Programme for Afghanistan, in order to support the protection and development of human rights in Afghanistan;

7. Calls upon all Afghan parties to cooperate with the Mission in the implementation of its mandate and to ensure the security and freedom of movement of its staff throughout the country;

8. Requests the International Security Assistance Force, in implementing its mandate in accordance with resolution 1444(2002) of 27 November 2002, to continue to work in close consultation with the Secretary-General and his Special Representative;

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

10. Decides to remain actively seized of the matter.

Communication (May). On 1 May [A/57/805-S/2003/523], Tajikistan, as chair of the Collective Security Treaty Organization, transmitted to the Secretary-General the 28 April statement of the heads of State of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan issued at a meeting in Dushanbe. The participants said that there was a need to coordinate and harmonize action by the international community to find a final solution to the Afghan crisis and to bring about post-conflict development in Afghanistan.

Security Council consideration (May). On 6 May [meeting 4750], the Security Council discussed the situation in Afghanistan and heard a briefing on the latest developments by the Special Representative of the Secretary-General for Afghanistan, Mr. Brahimi.

Mr. Brahimi said that although specific aspects of the Bonn Agreement were proceeding, the process as a whole was challenged by the deterioration in the security environment; daily harassment and intimidation; inter-ethnic and inter-factional strife; greater activity on the part of elements linked to the Taliban and to the warlord Gulbuddin Hekmatyar, leader of the Islamic fundamentalist group Hizb-I-Islami; and the drug economy. The process was also challenged by the fact that national security institutions were perceived by many Afghans, perhaps the majority, as not serving the broad national interests of all the people of Afghanistan.

In an important step forward towards meeting the time frame set out in Bonn for convening the Constitutional Loya Jirga, the Constitutional Commission was inaugurated on 26 April. Composed of 35 members, including seven women, the Commission represented the full ethnic, regional and religious diversity of the Afghan people. The previously established Drafting Committee had prepared a preliminary draft constitution; over the summer months, the Commission was to consult the public on their views and aspirations related to the constitution. That would require the members of the Commission to break up into subcommittees that would visit all parts of the country and hold scores of meetings with elders, religious and community leaders, women, intellectuals, traders and ordinary people. The United Nations would support and participate in those activities. On the basis of its findings, the Commission would finalize a draft constitution and present it to the Constitutional Loya Jirga, scheduled for October, for its consideration and ratification. In reference to the elections, the United Nations was in the process of establishing UNAMA’s electoral unit, and early planning for national voter registration had be-
gun. In order to plan and effectively fulfil UNAMA’s assistance in all phases of the electoral process, the electoral unit would require an element of assured funding through the assessed budget. A complementary budget for voluntary funding had also been prepared. The registration exercise would require the recruitment and training of some 3,000 Afghans who would have to spend time in each of the nearly 400 districts and visit thousands of villages. As in the case with the consultations of the Constitutional Commission, this exercise would be conducted only within a secure environment.

With regard to the drug economy, the TA was in the final stage of completing a 10-year national drug control strategy in an effort to control poppy cultivation.

The rate of assisted refugee returns to Afghanistan increased significantly during April. It was estimated that in 2003, approximately 600,000 Afghans would return from Pakistan, 500,000 from Iran and 100,000 from other countries. In the judicial sector, the Judicial Reform Commission had completed a survey of the state of the judiciary in 10 provinces and major urban centres in the country. With respect to the reform of the public administration, progress, although slow, was picking up, owing in part to the growing role of the Civil Service Commission.

As to the human rights situation, UNAMA was investigating alleged cases of summary executions, rape and other forms of sexual violence, and continuing political intimidation, including against women. Fighting and insecurity had led to renewed displacement of Pashtun families. Security remained the central issue. Rivalries among factions and local commanders, impunity with regard to human rights violations and daily harassment of ordinary Afghan citizens by both commanders and local security forces were all too common. Forces believed to be associated with the Taliban, with Al-Qaeda and with the warlord Hekmatyar had stepped up operations against the coalition as well as against Afghan military and non-military targets in the south, the south-east and the east. The threat posed by those elements was driven home by the murder of an International Committee of the Red Cross (ICRC) worker in late March—the first such killing of a foreigner since 1998. As the attacks on NGOs and international organizations became more threatening, the pressure to suspend or withdraw operations increased. ICRC and a number of NGOs were reducing their operations in the south, with immediate consequences for key programmes that provided support to local populations. The United Nations was also reviewing its operations and its security measures. Afghanistan’s neighbours played a crucial role in helping to ensure the country’s security, especially since hostile elements were reported crossing into Afghanistan over the eastern and southern borders. Pakistan had expressed its readiness to address the problem and had deployed armed forces in the border areas. Insecurity was also exacerbated by continuing factional clashes. The ultimate solution to such problems was the creation of an Afghan security force capable of ensuring peace. President Karzai announced the start date of 22 June for a DDR programme to be carried out by the Afghan New Beginnings Programme, supported by the international community, with Japan and the United Nations in the lead. The planned DDR programme would include those officers and soldiers who were in military formations under the umbrella of the Ministry of Defence, up to a maximum of 100,000 persons. However, before the DDR programme could start, there was a need to reform the Ministry of Defence, the Ministry of the Interior and the intelligence structures. Encouraging progress had been made in the building of a new national army and a national police service, but those efforts and the nationwide DDR programme would be successful only if there was confidence among all Afghans that the new security structures would serve the interests of the whole nation. The senior leaders of the Afghan military met in Kabul on 19 and 20 April to discuss the building of the new army. Their verbal expressions of support for a new multi-ethnic army had to be matched by actions to demobilize their own forces to ensure that the new army would be under civilian control and the only instrument of force remaining in the country. The Special Representative asked the Security Council to consider what international measures were available to help ensure the security needed for the Bonn process to proceed effectively. The expansion of ISAF beyond Kabul and a strengthened Afghan police presence remained part of a potential response to the question of security. However, the United Nations Law and Order Trust Fund for Afghanistan was insufficient to allow the Ministry of the Interior to strengthen the Afghan police. Of the $120 million the Trust Fund expected to cover needs until June 2004, only $11 million had been paid into the Fund and a further $35 million to $40 million had been pledged.

Communications (June). On 3 June [A/57/824-S/2003/689], Iran transmitted to the Secretary-General the documents adopted by the Islamic Conference of Foreign Ministers at its thirtieth session (Tehran, 28-30 May). The Conference, among other things, called on the international community to assist the Afghan TA to curb the
planting of opium poppies and the production and trafficking of narcotics and to strengthen the crop substitution programme in Afghanistan.

By a 9 June letter to the Council President [S/2003/641], France transmitted the text of the Paris Statement, issued at the end of the Conference on Drug Routes from Central Asia to Europe (Paris, 21-22 May). The Conference took note of the fight against drugs undertaken by the TA and the international community in Afghanistan. It called on the international community to support the Afghan National Drug Commission and to encourage action aimed at promoting sustainable alternative development.

On 10 June [A/58/94-S/2003/642], the Russian Federation transmitted to the Secretary-General the text of the Declaration of the heads of State of the members of the Shanghai Cooperation Organization (Moscow, 29 May). The members (China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan) said that there was a need for the elaboration, under UN auspices, of an international strategy for comprehensive action to counter the threat of illegal drugs from Afghanistan.

Security Council consideration (June). On 17 June [meeting 4771], the Security Council discussed the situation in Afghanistan and was briefed on the latest developments by the USG for Peacekeeping Operations, Mr. Guéhenno, and by the Director-General of the United Nations Office at Vienna and Executive Director of the United Nations Office on Drugs and Crime, Antonio Maria Costa.

Mr. Guéhenno said that some positive progress was made over the preceding month. Most notably, President Karzai took resolute action towards establishing and affirming the Government’s authority in the provinces. Also, public consultations on the constitution commenced and planning for the electoral process was in its final stages. However, the security situation remained a serious impediment to progress and was a major risk to the entire process, and the TA’s authority beyond Kabul was still too limited. The majority of provincial authorities continued to act with an autonomy that denied the TA the means to implement its national development plan. Yet the population expected the TA to improve the economic situation and the security environment. In a determined effort to assert the authority of his Government, President Karzai summoned 12 of the country’s most powerful governors and regional commanders to Kabul on 20 May and threatened to resign if he failed to secure their full cooperation. The persons brought together committed themselves to implementing a 13-point decision of the National Security Council, which sought, among other things, to forbid the recruitment of private militias and military action unauthorized by the central Government, to reaffirm the ban on any individual holding both military and civilian posts and to dissolve some extragovernmental bodies. The National Security Council decision also required that all governors transfer provincial income to the central Government. However, signs that written agreements did not necessarily translate into tangible action were already visible. For example, the governor of Herat province, Ismael Khan, had already signalled his unwillingness to yield any authority to Kabul and had refused to resign one of his posts.

On 7 June, a suicide car bomber detonated a large explosive alongside a German ISAF bus, killing four personnel and one bystander and injuring 29 personnel in the most deadly attack on the international security force in its 18 months of operation. The incident underscored that Kabul was not immune to the security problems of the hinterland. In response to a series of attacks and threats to demining teams, the UN Mine Action Centre was forced to suspend all activities in 10 provinces and along the Kabul-Kandahar road. In effect, one third of the country was inaccessible to the United Nations, which seriously hindered the ability of the Organization and others to carry out reconstruction efforts and to lay the groundwork for the Constitutional Loya Jirga, for the elections and for DDR. Ultimately, national security structures would have to assume responsibility for domestic security, backed by a functioning justice system. Satisfactory progress had been made in the training of the national army and police forces by the lead nations—the United States and Germany, respectively. However, the funding for the forces’ salaries was inadequate. The establishment and deployment of three international civilian-military provincial reconstruction teams, with 185 personnel, were assisting in improving security in the provinces. Those teams could provide a platform for supporting security sector reforms and for assisting in the provincial training of police. They could also carry out infrastructure work to support government authority, such as renovating police stations, rebuilding courthouses and constructing barracks for the new Afghan National Army.

The commencement of DDR had been made contingent on the implementation of a series of confidence-building measures, signalling that reform of the Ministry of Defence was irreversible.

Mr. Costa said that less than 1 per cent of the land in Afghanistan was devoted to opium poppy cultivation and no more than 6 per cent of its families benefited from the resulting illicit in-
come. The slow progress in re-establishing the rule of law was hurting the TA’s ability to reduce the drug economy. In 2003, according to a preliminary survey, opium cultivation appeared to have spread to new areas, while a perceptible decrease had taken place in the traditional provinces. On balance, neither the total surface under cultivation nor the volume of output was likely to change significantly from 2002 levels. However, in the coming years, Afghanistan would continue to be the world’s largest opium producer, due to the fact that over the past 20 years, the entire Afghan infrastructure in the countryside had been destroyed, resulting in a war economy in which arms, drugs, smuggling and opium had provided the means of livelihood, savings, credit and the means of exchange for almost one fifth of the economy. About 20 per cent of Afghanistan’s gross domestic product was derived from that activity. The drug dealers, among them the remnants of the Taliban and Al-Qaida, had a vested interest in ensuring that the Afghan State remained weak. In pursuing their goals, they were fomenting regional strife and nourishing separatist ambitions and armed conflicts to destabilize the Government. Corruption among State officials was also both a cause and a consequence of narco-trafficking in Afghanistan. However, perhaps the greatest threat had come from the spread of HIV/AIDS because of drug injection. In some of the countries neighbouring Afghanistan, four out of every five new cases of HIV infection had been caused in that way. Unless the problem was brought under control, the risk of a pandemic in the region could not be excluded. In addition, the massive drug trafficking from Afghanistan endangered economic and social stability in the countries located along the trafficking routes, thereby fuelling crime, money-laundering and terrorist activities beyond the Afghan border. The Afghan drug economy could be reconverted to one of peace and growth if the TA was assisted by neighbouring and consumer countries to address the roots of the matter.

The United States said that it was contributing to alternative development, drug treatment and drug reduction programmes and, in addition, was helping to build Afghan national capacities for drug policy-making and enforcement. It expressed concern at the upswing in violence in both Kabul and the provinces. Taliban and Al-Qaida elements appeared to be targeting foreigners, military and civilian, rather than engaging coalition forces.

Afghanistan said that the consolidation of peace, security and stability largely depended on the international community’s sustained engagement in providing the necessary assistance for the rehabilitation and reconstruction of Afghanistan’s social and economic infrastructure. The success of the DDR process, due to commence by the end of June, was dependent on economic growth and the creation of employment. With respect to narcotics, the Afghan Government had issued two decrees banning the cultivation, production, trafficking and consumption of narcotic drugs. However, the practical success of the implementation of those decrees rested on credible law enforcement and the availability of alternative sources of livelihood for farmers. Supporting the central institutions of Afghanistan in establishing and consolidating effective government control over the opium-producing areas was essential for any drug control strategy. Likewise, other initiatives should focus on re-establishing a sustainable rural economy not only for landowners but also for seasonal labourers and labour forces involved in the opium economy. The TA’s drug strategy encompassed programmes for alternative livelihoods, the enhancement of the capacity of law enforcement agencies and the improvement of national legislation. The Afghan Government was committed to eliminating opium production through the implementation of the national long-term drug control strategy by the year 2013.

SECURITY COUNCIL ACTION (June)

On 17 June [meeting 4774], following consultations among Security Council members, the President made statement S/PRT/2003/7 on behalf of the Council:

The Security Council reaffirms its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan.

The Council stresses that security remains a serious challenge facing Afghanistan. In particular, the Council expresses its concern over the increased number of attacks against international and local humanitarian personnel, coalition forces, the International Security Assistance Force and Afghan Transitional Administration targets carried out by the Taliban and other rebel elements. In this regard, the Council condemns in the strongest terms the attack against the Force in Kabul on 7 June 2003. The Council also expresses its concern over other security threats, including from illicit drug trafficking. The Council stresses the need to improve the security situation in the provinces and further to extend the authority of the Administration throughout the country. Against this backdrop, the Council underlines the importance of accelerating the comprehensive reform of the security sector of Afghanistan, including the disarmament, demobilization and reintegration of former combatants.

The Council welcomes the establishment and deployment of international civilian-military Provincial Reconstruction Teams in the provinces and en-
encourages States to support further efforts to assist in improving security in the region.

The Council believes that constructive and mutually supportive bilateral and regional relations, including those between Afghanistan and all States, and in particular its neighbours, based on the principles of mutual respect and non-interference in each other’s affairs, are important for stability in Afghanistan. The Council calls upon all States to respect the Declaration on Good-Neighbourly Relations, signed by the Transitional Administration of Afghanistan and the Governments of the People’s Republic of China, the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan, the States neighbouring Afghanistan, in Kabul on 22 December 2002 and to support the implementation of the provisions thereof.

The Council reaffirms the principles established in its Political Declaration adopted by the General Assembly at its twentieth special session, inter alia, that action against the world drug problem is a common and shared responsibility requiring an integrated and balanced approach in full conformity with the purposes and principles of the Charter of the United Nations and international law.

The Council recognizes the links between illicit drug trafficking and terrorism; as well as other forms of crime, and the challenges posed by these activities inside Afghanistan as well as to transit and neighbouring States and other States affected by the trafficking in drugs from Afghanistan. The Council expresses its concern at the increasing risk of the spread of HIV/AIDS associated with drug abuse in the region and beyond.

The Council stresses that security will be enhanced by continued coordinated efforts to combat the production of illicit drugs in Afghanistan as well as to interdict narco-trafficking beyond its borders. The Council recognizes that the effort to counter the problem of drugs originating in Afghanistan will be effective only when it is integrated into the wider context of reconstruction and development programmes in the country.

The Council expresses its concern that despite the efforts pursued, the volume of illegal opium production inside Afghanistan in 2002 has returned to former high levels. The Council notes with concern the assessment contained in the Opium Rapid Assessment Survey of the United Nations Office on Drugs and Crime that opium poppy cultivation has been reported in several districts of Afghanistan for the first time. The Council stresses the need to promote the comprehensive international approach, carried out, inter alia, under the auspices of the United Nations and through other international forums, in support of the drugs strategy of the Transitional Administration to eliminate the illicit cultivation of opium poppy. The Council also supports the fight against the trafficking in drugs and precursors within Afghanistan and in neighbouring States and countries along trafficking routes, including increased cooperation among them to strengthen anti-narcotic controls to curb the flow of drugs. Extensive efforts have also to be made to reduce the demand for drugs globally in order to contribute to the sustainability of the elimination of illicit cultivation in Afghanistan. The Council welcomes the comprehensive drug strategy for Afghanistan as set out in the drugs strategy of the Transitional Administration and calls for help to be provided within the framework of that strategy. The Council also welcomes the Paris Pact, introduced at the International Conference on Drug Routes from Central Asia to Europe, held in Paris on 21 and 22 May 2003, and thanks the Government of France for convening the Conference.

The Council expresses its support for the commitment by the Transitional Administration to eliminate drug production by the year 2013 and its efforts to implement the decrees prohibiting the cultivation, production and processing of the opium poppy, including illicit drug trafficking and drug abuse.

The Council welcomes the significant contribution by the Office on Drugs and Crime and notes that the work of the Office in Afghanistan is restrained by the lack, in the opium-growing areas of that country, of general stability and security which the international community as a whole should endeavour to ensure. The Council also welcomes projects under way by individual States to counter the threat of drugs in Afghanistan. Most of these projects are long-term, which is vital to eliminate drugs on a sustainable basis. The Council underscores the pressing need to achieve as soon as possible a significant and sustainable decrease in opium production in Afghanistan.

The Council acknowledges the necessity of coordination through the lead nation on this and all other issues in Afghanistan and, in this regard, expresses its gratitude to the United Kingdom of Great Britain and Northern Ireland and Germany for their work on counter-narcotics and police issues, respectively.

The Council recognizes the problems caused to neighbouring countries by the increase in Afghan opium production, as well as the efforts made by them and other countries to interdict illicit drugs.

The Council stresses the need to promote the effective realization of anti-drug projects for Afghanistan. These efforts can be reinforced through promulgation of a comprehensive programme of action in the region and in the States of transit and destination. The Council notes in this regard a major coordinating capacity available through the Office on Drugs and Crime, and calls upon all those concerned to cooperate with the Office in order to adopt harmonized measures in this area. The Council notes the call for all those concerned to adopt compatible and harmonized measures for law enforcement and counter-narcotics efforts through support for implementation of the drugs strategy of the Transitional Administration and the Paris Pact, supported by the G-8 Summit held in Evian, France, on 3 June 2003. The Council urges donor States to work within such a consultative process to maximize the effects of their bilateral and multilateral assistance programmes.

The Council urges the international community, in collaboration with the Office on Drugs and Crime and in accordance with the drugs strategy of the Transitional Administration, to provide assistance to the Administration that addresses, inter alia, certain key areas, including development of alternative live-
lhoods and markets, improving national institutional capacities, enforcing prohibitions on illicit cultivation and manufacturing and trafficking in drugs, encouraging demand reduction and building up the effective use of intelligence, including aerospace monitoring.

The Council urges the international community, in collaboration with the United Nations Assistance Mission in Afghanistan and the Office on Drugs and Crime, to encourage cooperation among affected countries, specifically in strengthening border controls, in assisting the flow of information between and among appropriate security and law enforcement agencies, in combating groups involved in illicit drug trafficking and related crimes, particularly money-laundering, in carrying out operational interdiction activities and controlled deliveries, in encouraging demand reduction and in coordinating information and intelligence to maximize the effectiveness of all measures taken inside Afghanistan and beyond its borders.

The Council invites the Secretary-General to include in his next report to the Security Council and the General Assembly on the situation in Afghanistan a summary of proposals made during its 4774th meeting, held on 17 June 2003, and any commentary and response to those proposals by any Member State and to submit his relevant recommendations to the Council for its consideration.

The Council decides to remain seized of the matter.

Communication (July). On 9 July [A/58/231-S/2003/203], Kazakhstan transmitted to the Secretary-General the text of the Joint Statement by the heads of State of the members of the Central Asian Cooperation Organization (Almaty, 5 July). The heads of State said that strengthening peace and stability in Afghanistan and establishing good-neighbourly relations with that country were in keeping with the basic interests of the countries of Central Asia. Joint efforts to restore Afghanistan's economy and infrastructure would make a substantial contribution to ensuring regional security and stability.

Report of Secretary-General (July). In a 23 July report [A/57/850-S/2003/75 & Corr.1], the Secretary-General described the continuing efforts by the Afghan TA to implement the Bonn Agreement [YUN 2001, p. 285]. The deteriorating security situation was identified as the main challenge facing the Afghan peace process and the international community was called on to continue its engagement in Afghanistan. The report drew attention to measures taken by the TA to expand its authority throughout the country, the most significant of which was the 29 May decision by the Afghan National Security Council to ban private military personnel and to enforce the collection of provincial revenues. The TA had also made progress in civil service reform through the establishment of the Independent Reforms Commission of Administrative and Civil Services. The constitutional process had progressed with the establishment of the Constitutional Commission, which conducted public consultations throughout the country in June and July. A draft constitution would be made public in September and would be discussed at the Constitutional Loya Jirga, scheduled for October. Preparations for national elections continued. The TA had decided to establish an Interim Afghan Election Commission, which would allow for greater Afghan involvement in the electoral process.

The furthering of the political process, together with reconstruction programmes, the improvement in the human rights situation, counter-narcotics programmes, and other aspects of the Bonn process, all depended to a great extent on the security situation. It was noted that security conditions had deteriorated in many parts of the country. Despite progress made in rebuilding the national army and police, much more needed to be done to reform the security sector, and there remained a need for international security assistance beyond Kabul. In view of continuing threats against journalists, the importance of reforming the press law was emphasized. The report also highlighted efforts by the TA and the United Nations to address women's rights, the status of refugee returns, health care and the reconstruction of transportation infrastructure.

The Secretary-General reported that, on 16 April, NATO had stated that it would assume control of ISAF following the completion of the lead command by Germany and the Netherlands in August. NATO command should provide more stability to the Force, particularly by eliminating the need to find a new lead country every six months.

On 17 June, in response to cross-border infiltration of forces opposed to the TA, Afghanistan, Pakistan and the United States established a commission to determine the origin of cross-border attacks and to find mutually agreeable solutions.

UNAMA activities included the establishment of the United Nations Operations Centre in Kabul to assist in the co-location of staff and the bringing together of UN constituent agencies. The UNAMA was also conducting a review of its management structure, part of its efforts to enhance the integration of policy coordination between the various components of the Mission and among the members of the UN country team. The Secretary-General proposed that the Military Advisory Unit be enlarged by a further four military liaison officers, bringing the total strength to 12 officers. That would make possible the permanent deployment of one officer to each of the eight regional field offices, and the involve-
ment of the Unit in monitoring DDR at locations across the country in order to build confidence.

The Secretary-General observed that, in spite of considerable obstacles, the implementation of the Bonn Agreement continued to be largely on track. However, the consequences of the civil war were still apparent and strong factional interests were attempting to entrench themselves in the wake of the Taliban’s collapse. Therefore, the creation of an environment where the standards of freedom and fairness enunciated in Bonn prevailed remained a major challenge.

On 30 September [S/2003/930], the Council took note of the Secretary-General’s intention to increase the Military Advisory Unit to a total strength of 12 officers.

Communication (October). On 3 October [A/58/415-S/2003/922], Iran transmitted to the Secretary-General the final communiqué of the Annual Coordination Meeting of Ministers for Foreign Affairs of the Member States of the Organization of the Islamic Countries (New York, 30 September). In accordance with the Kabul Declaration on Good-Neighbourly Relations (22 December 2002 [YUN 2002, p. 274], Afghanistan’s neighbouring countries reaffirmed their commitment to constructive and supportive bilateral relations based on the principles of territorial integrity, cooperation and non-interference in each other’s internal affairs.

Security Council consideration (October). On 24 October [meeting 4848], the Security Council discussed the situation in Afghanistan. The USG for Peacekeeping Operations, Mr. Guéhenno, said that as the final and most important stages of the peace process moved ahead, many of the fundamental and structural causes of insecurity remained unresolved. That was demonstrated in the northern part of the country when, on 9 October, after months of relative calm, the arrest of elements affiliated with Jamiat (an Islamic political party) sparked factional tensions that flared into the worst fighting in the region since the signing of the Bonn Agreement. Sporadic tribal and inter-factional conflicts also contributed to insecurity in the provinces of the south, southeast and east, but the primary source of insecurity remained the risk of terrorist attacks and continued and sizeable cross-border infiltrations by suspected Taliban, Al-Qaeda and Hizb-I-Islami elements. In several border districts, the Taliban had been able to establish de facto control over district administration. Attacks by terrorists against government, military and humanitarian personnel were steadily increasing. The trend towards the targeting of civilians who supported the central Government and the peace process indicated that the United Nations itself had to be viewed as a potential target. As a result, the United Nations and the humanitarian community had taken further security precautions, particularly in the south. All UN missions were temporarily suspended in four southern provinces. In Kandahar, armed escorts were required in four districts, and the missions were suspended in another five. Those precautions were restricting reconstruction and the political process, including UNAMA’s ability to ensure effective monitoring of the registration of electors for the Constitutional Loya Jirga in the south of the country. Despite serious challenges, the TA had made some progress in addressing the causes of insecurity. In fact, reform of the senior level of the Ministry of Defence had been completed. Although the reform was less sweeping than expected, it marked a step in the right direction to permit the pilot DDR programme to commence. In September, President Karzai postponed the Constitutional Loya Jirga until the end of Ramadan, which fell between the end of November and early December. The revised schedule had provided the Constitutional Commission more time for finalizing the draft constitution. The legal and institutional structures necessary for the national election were gradually being put in place. The registration decree, establishing the guidelines for voter eligibility, was finalized on 9 September and the political parties law, laying out the legal framework for the formation of political parties, was ratified on 12 October.

The Security Council’s unanimous adoption on 13 October of resolution 1510(2003) (see p. 310), by which it expanded ISAF beyond Kabul, was a welcome and much needed development. Also, Germany’s decision to deploy a Provincial Reconstruction Team to Kunduz was a welcome first step, which, it was hoped, would encourage other countries to contribute. The international community had taken steps to improve the overall security situation in Afghanistan with available assets on the ground. A joint coordination cell had been established to improve coordination between the TA, the United Nations, NATO and the coalition in support of the Bonn process. There was also a need for greater donor commitment in order to allow Afghanistan to recover from the near total devastation of its infrastructure and social capital after years of war.

Security Council mission

On 1 October [S/2003/930], the Council President informed the Secretary-General that the Council had decided to send a mission to Afghanistan from 31 October to 7 November 2003,
which would be led by Gunter Pleuger (Germany). The mission’s objectives would be, among other things, to review the progress achieved so far and to encourage the TA to further strengthen the implementation of the Bonn Agreement; to observe UNAMA’s operations, including its role in assisting the TA in preparing for the elections, implementing the constitution and coordinating all UN activities; to observe ISAF’s operations; to review the humanitarian and human rights situation; to review the implementation of the Kabul Universal Declaration on Good-Neighbourly Relations of 22 December 2002 [YUN 2002, p. 274]; and to convey a message to regional and factional leaders about the need to reject all violence and to condemn extremist, terrorist and illegal drug activities.

Report of Security Council mission. The report of the Security Council mission to Afghanistan (31 October–7 November) was issued on 11 November [S/2003/1074]. The mission, which was based in Kabul, visited Herat and Mazar-e-Sharif and held extensive discussions on the implementation of the Bonn Agreement [YUN 2001, p. 263] and the implications of Council resolution 1510(2003) (see p. 310) with the TA, regional leaders, UNAMA, UN agencies, ISAF, the coalition forces, the diplomatic community, NGOs and civil society.

In its recommendations, the mission reminded all Afghan parties that had made a commitment to participate in the DDR process that the new national army, police and border police forces were to be responsible for security and law and order in Afghanistan, and all other armed units were to be dissolved. As a first step towards dissolution, the mission recommended that all factional forces be withdrawn from Kabul urgently. The mission drew the international community’s attention to the need for enhanced assistance activities in the security sector, particularly with regard to the accelerated training and further deployment of the national police and Afghan national army, and called for further funds for the Law and Order Trust Fund. The TA was urged to take all possible measures to strengthen national unity and reconciliation and to ensure uniform implementation in the peace process, particularly with regard to the role of women. As a concrete measure, the mission recommended that the TA follow through with the reform of the Ministry of Defence; such reform should be extended to other key institutions. The mission recognized the difficulty of organizing general elections because of insecurity and the risk of disenfranchising a large segment of the population from the political process. It stressed the importance of tackling those issues so that the elections could be held within the time frame provided in the Bonn Agreement. In that regard, the mission noted the transitional provisions of the draft constitution, in particular the definition of a transitional period contained in it, which would include presidential elections followed by parliamentary elections as soon as possible. In order to ensure the necessary financial support and political momentum for peace and stability in Afghanistan, the mission noted with interest President Karzai’s wish to convene a follow-up conference to the Bonn process early in 2004, following the conclusion of the Constitutional Loya Jirga. The Secretary-General was invited to study the possibilities for such a conference. The mission called on all Afghanistan’s neighbours to fully implement the Kabul Declaration on Good-Neighbourly Relations and to redouble their efforts to help preserve peace and security in Afghanistan, especially in the southern and south-eastern areas. In order to strengthen the central Government and the basic institutions of the State, the mission recommended that the TA initiate a process of national reconciliation directed to all Afghans willing to help rebuild the country irrespective of past events.

Security Council consideration (November). On 11 November [meeting 4855], the Security Council discussed the report of its mission to Afghanistan. The head of the mission, Mr. Pleuger, reviewed the report’s main findings and recommendations, noting that the primary purpose of the mission was to send a signal to the Afghan people that Afghanistan remained high on the Council’s agenda and that the international community continued to support the peace process. The mission had also sent a clear message to the local and provincial authorities that it was imperative that they stop factional fighting and cooperate with the central Government. The mission was impressed by the eagerness of the Afghans to stand together and rebuild their country. In particular, and in contrast to other crisis areas, there was, despite the continuing ethnic divisions and factional fighting, an Afghan national identity and there appeared to be no separatist tendencies.

Communication (November). On 21 November [A/58/631-S/2003/1134], India and the Russian Federation transmitted to the Secretary-General the Declaration of the Russian Federation and the Republic of India on Global Challenges and Threats to International Security and Stability, which was adopted during the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the Russian Federation on 12 November. With regard to Afghanistan, both countries expressed support for the TA’s work on national reconstruction and for the international community’s
efforts to bring peace, national reconciliation and economic revival to Afghanistan.

Report of Secretary-General (December). In response to General Assembly resolutions 57/113 A [YUN 2002, p. 275] and 57/113 B [ibid., p. 900], the Secretary-General submitted a 3 December report on the situation in Afghanistan and its implications for international peace and security [A/58/686], covering the period from July 2002 to November 2003. He also reported on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan (see p. 934). Highlighting the deteriorating security situation throughout the country, the report stated that unchecked criminality, outbreaks of factional fighting and activities surrounding the narcotics trade had all had a negative impact on the Bonn process. During the reporting period, attacks on international and national staff of the assistance community had intensified. The main security threats continued to be terrorist attacks by suspected supporters of Al-Qaida, the Taliban and the warlord Hekmatyar against government forces, the United Nations and the humanitarian community. The attacks had occurred mostly in areas along the border in the south and south-east. It remained essential to create a secure environment in the south of Afghanistan so that reconstruction activities could take place. Equally crucial were the TA’s efforts to extend its authority, enhance its administrative capacity and deliver socio-economic benefits on a nationwide scale. Important achievements included the rehabilitation of the national primary education system and one of the largest UN-assisted refugee repatriation efforts in history. The report concluded that the international community had to decide whether to increase its level of involvement in Afghanistan or risk failure. The mandate set in Bonn could be accomplished only if the security situation improved, allowing adequate protection to UN programmes and staff, NGOs and others assisting the Afghan population.

GENERAL ASSEMBLY ACTION

On 5 December [meeting 50], the General Assembly adopted resolution 58/27 A [draft: A/58/1 and Ad1.] without vote [agenda item 28].

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

The General Assembly,

Recalling its resolution 57/113 A of 6 December 2002 and all its previous relevant resolutions,


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 all use of Afghan territory for terrorist activities, 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, expressing in this regard its full support for President Karzai and the Afghan Transitional Administration, and reaffirming 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 in 2004,

Convinced also that a political consolidation aimed at the adoption of a pluralistic and democratic constitution and the establishment of a broad-based, multi-ethnic, fully representative and gender-sensitive government, which respects the rule of law, 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,

Recognizing the urgent need for the creation of an effective and ethnically balanced Afghan national army, Ministry of Defence and national police force, and acknowledging the importance of the first steps taken in this regard by the Transitional Administration,

Reiterating that a fair and effective justice system that respects international norms and standards, including by ensuring the accountability of perpetrators of violations of human rights, remains of high importance,

Encouraging the Transitional Administration to consider initiating a process of national reconciliation,

Taking note of the positive developments in Afghanistan in the past two years, in particular the return of a large number of refugees and internally displaced persons, the increased Afghan ownership as illustrated by the progress in implementing education and health programmes, the development of a comprehensive national budget, the introduction of the new currency, the publication of a draft text for a constitution, the beginning of the disarmament, demobilization and reintegration process and the reforms thus far in the security sector, and stressing that these processes should be expedited and carried through to completion,

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, stressing in particular in this regard the highly valuable role that the current Special Representative of the Secretary-General has played throughout the ongoing process,

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 national capacity-building 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 Administration, of rehabilitation and reconstruction, and noting that visible progress in this regard can further enhance the authority of the Transitional Administration and greatly contribute to the peace process,

Commending the international efforts to help the Transitional Administration to provide a secure environment in Afghanistan, and stressing the need for a coordinated approach across all parts of the security sector and the importance of a national army and police force that are an important condition for the successful implementation of the comprehensive national drug control strategy of the Transitional Administration,

Recognizing also the need for enhanced international cooperation and support to accelerate the implementation of the Afghan national drug control strategy, and looking forward in this regard to the international counter-narcotics conference in Kabul in 2004, to be hosted by the Transitional Administration, the United Nations and the United Kingdom,

1. Takes note of the report of the Secretary-General;
2. Welcomes the recent Security Council mission to Afghanistan and its report, which contains several positive recommendations;
3. Stresses that the fragile situation in Afghanistan poses a continuing risk to peace and stability in the region, and expresses its determination to further assist the efforts of the Transitional Administration to prevent the use of Afghan territory for terrorism;
4. Reiterates its strong support for the Transitional Administration in the full implementation of the Bonn Agreement, endorses its priorities, as presented in the National Development Framework and national budget, which are the restoration of the economic infrastructure, the strengthening of the central government, the constitutional process, the building of a national army and police force under civilian control, the verified and fair implementation of disarmament, demobilization and reintegration, demining activities, the rebuilding of the justice system, respect for human rights, and combating illicit drug production and trafficking, and urges the international community to support the efforts in these areas;
5. Stresses the importance of strengthening the authority of the Transitional Administration, facilitating security sector reform and reconstruction efforts throughout the country and providing a secure environment for the constitutional process and the preparations for the general elections, and in this regard welcomes the recent expansion of the International Security Assistance Force mandate in accordance with the Bonn Agreement, as well as the progressive establishment of provincial reconstruction teams in various parts of Afghanistan;
6. Calls upon all Afghan groups to renounce the use of violence, respect human rights and international humanitarian law, respect the authority of the Transitional Administration and implement fully the provisions of the Bonn Agreement;
7. Welcomes the role of the Afghan Independent Human Rights Commission in the promotion and protection of human rights and fundamental freedoms in Afghanistan, including through the provision of expert advice to the Constitutional Commission, and encourages the Transitional Administration and the international community to continue to provide appropriate assistance and support to allow the Afghan Independent Human Rights Commission to fulfill its mandate;
8. Stresses the fundamental importance for a peaceful, democratic Afghanistan of the upcoming constitutional Loya Jirga and elections in 2004, in accordance with the timetable set out in the Bonn Agreement for the creation of a representative government, and underscores the need for the broad and open participation of all Afghans, including women, in the political process in a secure environment;
9. Reiterates the importance of the full and equal participation of and representation by women in political, civil, economic, cultural and social life throughout the country, calls upon the Transitional Administration to protect and promote the equal rights of men
and women, and notes in this respect the ratification by Afghanistan of the Convention on the Elimination of All Forms of Discrimination against Women on 5 March 2003;

10. 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 Administration 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;

11. Calls upon donor countries to fulfil promptly their assumed commitments made at the International Conference on Reconstruction Assistance to Afghanistan, held in Tokyo on 21 and 22 January 2002, and reiterated in Dubai, United Arab Emirates, on 21 September 2003, invites them to provide additional resources beyond those pledged so far, and also calls upon all Member States to provide humanitarian assistance and to support the Transitional Administration through measures in accordance with the national development budget published by the Transitional Administration;

12. Calls upon the international community to support the efforts of the Transitional Administration to coordinate assistance, to formulate a strategy for the long-term development of Afghanistan and to allocate sufficient funds to the Afghanistan Reconstruction Trust Fund;

13. Calls upon the signatories of the Kabul Declaration on Good-neighbourly Relations to respect their commitments under the Declaration, and calls upon all other States to respect and support the implementation of its provisions and to promote regional stability;

14. Welcomes, in this regard, the signing of the Declaration on Encouraging Closer Trade, Transit and Investment Cooperation as a further sign of the commitment of Afghanistan and its neighbours to closer regional cooperation;

15. Calls upon the members of the Tripartite Commission to redouble their efforts to support peace and security in the southern and south-eastern border areas of Afghanistan;

16. Calls for continued international assistance to the vast number of Afghan refugees and internally displaced persons to facilitate their safe and orderly reintegration into society and to contribute to the stability of the entire country;

17. Welcomes the efforts of the Transitional Administration to respect fully the international obligations of Afghanistan with regard to narcotic drugs, and calls upon it to strengthen further its efforts to eliminate the annual poppy crop, as well as to efficiently enforce relevant national laws and regulations against narcotic drugs;

18. Calls upon the international community to assist the Transitional Administration in the implementation of its comprehensive national drug control strategy, aimed at eliminating illicit poppy cultivation, which continues to constitute a serious threat to the successful political and economic reconstruction of Afghanistan, including through support for increased law enforcement, crop substitution and other alternative livelihood and development programmes and capacity-building for drug control institutions;

19. Supports the fight against the illicit trafficking of drugs and precursors within Afghanistan and in neighbouring States and countries along trafficking routes, including increased cooperation among them to strengthen anti-narcotic controls to curb the drug flow, and welcomes the presentation in Moscow on 29 October 2003 of the latest report of the United Nations International Drug Control Programme on drugs in Afghanistan;

20. Requests the Secretary-General to report to the General Assembly every four months during its fifty-eighth 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-ninth session on the progress made in the implementation of the present resolution;

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

On the same day, the Assembly adopted resolution 58/27 B on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan (see p. 934).

On 23 December, the Assembly decided that the item on the situation in Afghanistan and its implications for international peace and security would remain for consideration at its resumed fifty-eighth (2004) session (decision 58/365).

Communications (December). On 16 December [A/58/755-S/2004/277], Liechtenstein transmitted to the Secretary-General the report of an international meeting of experts on the theme "Building security and State in Afghanistan—a critical assessment" (Princeton University, United States, 17-19 October). Participants agreed that in Afghanistan the needs for establishing security and building of State and society were urgent and closely interconnected and that solutions had to be holistic. They urged delivery of immediate international financial assistance to both security and State-building endeavours.

On 22 December [A/58/665], Tajikistan transmitted to the Secretary-General the text of the statement on Afghanistan issued by the Ministers for Foreign Affairs of the member States of the Collective Security Treaty Organization (Bishkek, Kyrgyzstan, 19 November). The Ministers noted the progress achieved by the TA with respect to State-building and the efforts made to combat extremist forces, but noted with concern the growing threat of narcotic drugs emanating from Afghanistan and the unceasing activity of extremist groups. Alongside the need to boost efforts to eradicate terrorism, it was also important to eliminate the social base of terrorism and to revive and rebuild the country’s economy.
Report of Secretary-General (December). In response to Security Council resolution 1471 (2003) (see p. 295), the Secretary-General submitted a 30 December report on the situation in Afghanistan and its implications for international peace and security [S/2003/122]. He stated that the peace process in Afghanistan had reached a critical juncture, two years since the beginning of the implementation of the Bonn Agreement [YUN 2001, p. 263]. A great deal had been accomplished, including the establishment of the TA itself, the return of some 4.2 million children to school, one third of them girls, and the beginning of security sector reform. During the reporting period, the most sensitive and potentially divisive steps of the Bonn process began: the pilot phase of the DDR programme on 24 October, the electoral registration on 1 December and the Constitutional Loya Jirga on 14 December, which was still ongoing. However, fundamental challenges needed to be overcome if the peace process was to become irreversible, in particular the problem of insecurity. The reporting period saw an increase in terrorist activity, factional fighting, activities associated with narcotics trade and unchecked criminality. Attacks on international and national staff of the assistance community and TA officials had been concentrated in the south and south-east regions. A car bomb attack on UN offices in Kandahar on 13 November was followed three days later by the assassination of an international staff member of the Office of the United Nations High Commissioner for Refugees in Ghazni. In the absence of sufficient forces to provide security, much of the south and south-east of the country had become effectively off limits to UN and TA officials. Lack of access to assistance or State structures risked further alienating the population, which was predominantly Pashtun. In response to the increased threats against the UN and the aid community, President Karzai, on 26 November, established two national task forces, bringing together the Afghan security ministries, ISAF, the coalition forces and the United Nations. One task force was working on short-term measures to ensure the necessary security for the Bonn process and for aid and reconstruction efforts, while the second would work on responses to security threats over the longer term.

Under the Afghan New Beginnings Programme and with financing from Japan and UNDP assistance, the pilot phase of the DDR programme began on 24 October in Kunduz province and Kabul. Hundreds of ex-soldiers and officers had been disarmed and had selected reintegration options, such as agricultural assistance, vocational training and job placement, and demining training. With the aim of establishing a 70,000-strong national army under a 10-year plan, 12 battalions had been trained under the lead of the United States, representing a total force of 6,500. The Ministry of the Interior had begun implementing reforms geared towards the implementation of a five-year plan to develop a national police service of some 50,000 members and a force of 12,000 border guards. It was projected that some 213 higher-ranking and 2,000 lower-ranking officers would be trained by mid-2004. The deployment of newly recruited police officers in three provinces had contributed to stability and public confidence. Yet, at such an early stage of the process, the number of trained police remained too low and ill equipped to provide the full support needed by the central Government in its efforts to establish itself in the provinces. In the justice sector, the civil and criminal codes and other legal frameworks were being reviewed and updated. As part of the efforts to strengthen governance at the provincial level, the justice sector was developing an integrated model of intervention in Paktia province, which combined reconstruction, rehabilitation and refurbishing of judicial and corrections buildings, and training for magistrates, administrative justice personnel, police, corrections staff and defence counsels. The absence of an international commitment to develop a penitentiary system was a significant obstacle to the establishment of institutions for the provision of law and order. The countering of narcotics activities in Afghanistan would continue to face numerous internal obstacles: an environment of rural underdevelopment, the absence of rule of law, the limitations on financial resources for law enforcement and the paucity of alternative livelihoods. Efforts to counter poppy production continued to meet with violent opposition in a number of areas.

On 11 August, control of ISAF was transferred from Germany and the Netherlands to NATO (see p. 308). In addition, three new provincial reconstruction teams were established under coalition command. Communication links had been established between provincial centres and Kabul and between provincial police stations and the Ministry of the Interior, in an effort to expand the TA’s authority across the country. Nevertheless, insecurity continued to be a significant constraint as, beyond Kabul, some factional leaders continued to resist the Government’s efforts to install national appointees in the provinces and districts. The TA was working closely with UNAMA, the coalition forces, ISAF and donor Governments to formulate a nationwide stabilization plan aimed at bringing together security improve-
ments, better local governance and reconstruction activities.

The draft constitution was made public on 3 November by the Constitutional Review Commission, the culmination of a drafting process that included a significant national consultation. The draft provided for a strong presidential system of government and a bicameral legislature, codifying respect for fundamental rights and calling for the nation’s laws not to be in contradiction with the religion of Islam. The draft also outlined transitional measures, including those for elections. The Constitutional Loya Jirga, which commenced its deliberations on 14 December and was still ongoing as at 30 December, comprised 502 participants. Ten working committees had been established to review the draft constitution and propose amendments. While debate had been vigorous, delegates had expressed concerns about domineering attitudes expressed by jihadi groups.

The TA had established the institutional framework necessary for the voter registration process; in July it created the Joint Electoral Management Body and the Interim Afghan Electoral Commission to oversee the registration process. Lack of early donor funding caused the start of the electoral registration to be delayed from 15 October to 1 December. In addition, lack of security in certain areas of the country was delaying the deployment of registration teams to remote rural areas.

Some progress had been achieved in regional relations. On 22 September (Dubai, United Arab Emirates), Afghanistan and its neighbours signed the Declaration on Encouraging Closer Trade, Transit and Investment Cooperation between the Signatory Governments of the Kabul Declaration on Good-Neighbourly Relations [YUN 2002, p. 274], to respect and build on their commitments to support regional political stability and mutual economic well-being. Pakistan had deployed and maintained troops along its border with Afghanistan, in order to deter cross-border infiltration of elements hostile to the Afghan Government. However, there were persistent reports of Taliban leaders operating from inside Pakistan. The tripartite commission formed by Afghanistan, Pakistan and the United States was working to address the issue of cross-border security.

In response to the increased threat of attacks against UN staff and premises, UNAMA and the UN agencies had been reviewing and, where necessary, upgrading security measures at all office compounds and residences. New UNAMA electoral offices were constructed in the eight regional centres in time for the start of the 1 December electoral registration campaign.

The Secretary-General observed that the problem of insecurity remained the main challenge to the successful implementation of the Bonn process. The political elements of that process had been carried forward by concentrating activities in city and regional centres, thereby mitigating threats that predominated in rural areas. The time had come for the international community and the Afghan Government to make the necessary commitments to complete the transition in Afghanistan. President Karzai had discussed with the Security Council mission the possibility of a second international conference and the Special Representative for Afghanistan, Mr. Brahimi, had circulated a non-paper to the TA and diplomatic corps in Kabul. The non-paper acknowledged gains made under the Bonn process, but pointed out that to ensure success further reforms were needed to broaden the representativeness of government, improvements in the security situation had to be made to end the misrule of factions and counter the terrorist threat, and more progress in reconstruction had to be made. The non-paper further argued that donor commitments were needed, beyond the timelines of the Bonn Agreement, to consolidate government authority, entrench the rule of law, counter the threat of the narcotics economy and carry Afghanistan’s peace process to the point of irreversibility. The Secretary-General said that one way of addressing the issues raised in that non-paper might be the convening of a new donor conference, in the first months of 2004, to chart the way forward.

**International Security Assistance Force**

The International Security Assistance Force, a multinational force established by Security Council resolution 1386(2001) [YUN 2001, p. 267], was mandated, among other things, to assist the Afghan Government in the maintenance of security in Kabul and its surrounding areas. Turkey, which had assumed lead nation status for ISAF from the United Kingdom in June 2002, handed over that responsibility to Germany and the Netherlands on 10 February. Those two countries, in turn, handed over ISAF’s lead command to NATO on 11 August. The event represented the first operation to be commanded by NATO outside the territory of NATO member States and it brought with it the benefit of continuity of command.

**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: Hungary [S/2003/78], Belgium [S/2003/159] and Azerbaijan [S/2003/218].


Security circumstances in Kabul continued to improve during the reporting period. The calm and peaceful atmosphere in the capital had consolidated further and no major incident had occurred since the night curfew was lifted, for the first time since 1979, on 3 November 2002. Taking advantage of the improved security in the city, President Karzai asked ISAF to help the local security entities in tackling ordinary crime in some parts of Kabul. ISAF continued to assist the local community through the Civil-Military Co-operation programme, which channelled assistance in the fields of education, health and urban infrastructure through selected quick-impact projects. Arrangements for a smooth transfer of the ISAF command from Turkey to the joint German-Dutch leadership had been completed.

Communication of Secretary-General (April). On 16 April [S/2003/503], the Secretary-General transmitted to the Security Council President a 16 April letter from NATO, which stated that the North Atlantic Council had decided to continue and enhance NATO support to ISAF, beginning in August. As 14 NATO nations already contributed approximately 95 per cent of ISAF’s troops, that enhanced support was a logical continuation of NATO efforts to date. The additional support would consist of the following: an in-theatre deployed composite headquarters, including the required communications and logistics support; a force commander from a troop-contributing allied nation; and strategic coordination, command and control exercised by the supreme headquarters of the allied Powers in Europe, with an ISAF operations coordination cell to involve participating nations. The political direction and coordination responsibilities would be undertaken by the North Atlantic Council in close consultation with non-NATO contributors to ISAF. Increased involvement by NATO would be within the context of ISAF’s UN mandate and NATO was to operate according to Security Council resolutions. ISAF would therefore continue to operate distinct from Operation Enduring Freedom.

On 23 April [S/2003/504], the Council took note of the Secretary-General’s communication. Reports of ISAF (May and August). On 19 May [S/2003/555], Germany and the Netherlands submitted to the Secretary-General a report on ISAF activities from 10 February to 10 May. The joint Germany-Netherlands command said that the security situation in Kabul had remained by and large stable and virtually similar to that in the preceding period. It seemed clear, however, that the increasing instability and rising number of incidents in the southern and south-eastern parts of Afghanistan could converge on the larger Kabul area and pose a threat to ISAF’s area of responsibility. Although the TA was in charge of security structures, the international community had assumed specific responsibilities with regard to security sector reform. Key issues in that context were DDR of factional armies, build-up of the Afghan National Army (ANA) and re-establishment of a functional national police. ISAF was contributing to the training of ANA and the national police on a limited scale and stood ready to assist with the DDR process in Kabul if requested by the TA. To achieve safe and secure air lines of communications for its mission, ISAF assisted the TA in the development of Kabul International Airport. In close consultation with UNAMA, ISAF was also monitoring the constitution and election processes as the TA prepared for the convening of the Constitutional Loya Jirga.

On 11 August [S/2003/807], Germany and the Netherlands submitted to the Secretary-General their final report on ISAF, covering the period from 11 May to 11 August, up to the handover of ISAF’s command to NATO. The overall security situation remained a point of concern throughout the period. However, although ISAF suffered casualties due to attacks and other incidents, it managed to improve security in and around Kabul. ISAF continued to contribute to the development of Afghan security structures by providing training support to ANA, the police and the border police. Regular contacts with Afghan authorities, the UN Special Representative and the United States military had ensured permanent ISAF input into all major processes related to security.

Communications of Secretary-General (October). On 7 October [S/2003/970], the Secretary-General transmitted to the Security Council President two communications, dated 2 and 6 October, from NATO’s Secretary-General, which stated that on 1 October the North Atlantic Council had agreed on a longer-term strategy for NATO in its ISAF role in Afghanistan. The elements of the strategy comprised the political objective of supporting the Bonn process, the desired end state of a self-sustaining, moderate...
and democratic Afghan government, and benchmarks for a handover strategy.

On 6 October, the NATO Secretary-General transmitted to the Secretary-General information on key issues concerning NATO’s possible expansion of the ISAF mission, which had been agreed to by the North Atlantic Council. It was agreed that the expansion of the ISAF mission would strengthen the TA’s ability to provide a secure environment for the Afghan population; such expansion would be subject to the adoption of a Security Council resolution providing appropriate authority and the identification and provision of appropriate assets; the Provincial Reconstruction Team (PRT) in Kunduz, which Germany had offered to mount, would operate as a pilot project under a new, expanded ISAF Security Council mandate; ISAF, in principle, could expand in a progressive, flexible manner, taking into account the political context, to include other PRTs under an expanded mandate; ISAF, also in principle, could undertake temporary deployment outside Kabul, in support of specific events or processes, such as electoral or DDR-related events; and it was imperative that there be clear command and control arrangements between ISAF, Operation Enduring Freedom and PRTs.

On 13 October [S/2003/986], the Secretary-General transmitted to the Council President a 10 October communication he had received from Afghanistan’s Minister for Foreign Affairs. The Minister said that, notwithstanding the considerable progress made in providing security in Kabul and the surrounding areas thanks to the assistance of ISAF, the security situation in various parts of the country remained relatively unstable and was an impediment to further progress in reconstruction and development overall. Afghan authorities welcomed NATO’s intention to deploy a pilot project in Kunduz and to undertake deployments outside Kabul in support of specific events or processes subject to a new Security Council mandate. The Afghan Government therefore requested the Council to consider expanding ISAF’s mandate.

**Expansion of ISAF mandate**


The Security Council,


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

Reaffirming its resolutions 1568(2001) of 12 September 2001 and 1573(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,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves, and welcoming the continuing cooperation of the Afghan Transitional Authority with the International Security Assistance Force,

Reaffirming the importance 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 recalling in particular annex I thereto, which, inter alia, provides for the progressive expansion of the Force to other urban centres and other areas beyond Kabul,

Stressing the importance of extending central government authority to all parts of Afghanistan, of comprehensive disarmament, demobilization and reintegration of all armed factions, and of security sector reform, including reconstitution of the new Afghan National Army and Afghan National Police,

Recognizing the constraints upon the full implementation of the Bonn Agreement resulting from concerns about the security situation in parts of Afghanistan,

Noting the letter dated 10 October 2003 from the Minister for Foreign Affairs of Afghanistan requesting the assistance of the Force outside Kabul,

Noting also the letter dated 6 October 2003 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General regarding a possible expansion of the mission of the Force,

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 Transitional Authority and its successors,

Acting for these reasons under Chapter VII of the Charter,

1. Authorizes expansion of the mandate of the International Security Assistance Force to allow it, as sources permit, to support the Afghan Transitional Authority and its successors in the maintenance of security in areas of Afghanistan outside of Kabul and its envirous, so that the Afghan authorities as well as the personnel of the United Nations and other international civilian personnel engaged, in particular, in reconstruction and humanitarian efforts, can operate in a secure environment, and to provide security assistance for the performance of other tasks in support of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement);

2. Calls upon the Force to continue to work in close consultation with the Afghan Transitional Authority and its successors and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the mandate of the Force, and to report to the Security

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**Footnotes**


[2] Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves, and welcoming the continuing cooperation of the Afghan Transitional Authority with the International Security Assistance Force,

[3] Reaffirming the importance 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 recalling in particular annex I thereto, which, inter alia, provides for the progressive expansion of the Force to other urban centres and other areas beyond Kabul,

[4] Stressing the importance of extending central government authority to all parts of Afghanistan, of comprehensive disarmament, demobilization and reintegration of all armed factions, and of security sector reform, including reconstitution of the new Afghan National Army and Afghan National Police,

[5] Recognizing the constraints upon the full implementation of the Bonn Agreement resulting from concerns about the security situation in parts of Afghanistan,

[6] Noting the letter dated 10 October 2003 from the Minister for Foreign Affairs of Afghanistan requesting the assistance of the Force outside Kabul,

[7] Noting also the letter dated 6 October 2003 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General regarding a possible expansion of the mission of the Force,

[8] Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

[9] Determined to ensure the full implementation of the mandate of the Force, in consultation with the Afghan Transitional Authority and its successors,

[10] Acting for these reasons under Chapter VII of the Charter,
Council on the implementation of the measures set out in paragraph 1 above;
3. Decides to extend the authorization of the Force, as defined in resolution 1386(2001) and the present resolution, for a period of twelve months;
4. Authorizes the Member States participating in the Force to take all necessary measures to fulfill its mandate;
5. Requests the leadership of the Force to provide quarterly reports on the implementation of its mandate to the Security Council through the Secretary-General;
6. Decides to remain actively seized of the matter.

Speaking after the vote, France said it considered that ISAF’s extension did not entail a commitment of its forces outside Kabul. France did not plan to involve itself in missions beyond those it was already fulfilling.

Later developments. In a later report [S/2003/482] covering ISAF activities in November and December, NATO said that the security situation in Kabul and its environs remained generally calm, but not stable. On 30 December, ISAF took the first step in expanding its supporting role to the TA by taking responsibility for the operations of the German PRT in Konduz. Five attacks on ISAF, which included rockets and improvised explosive devices, took place in December with no fatalities.

Sanctions

The Security Council adopted new measures against Osama bin Laden, Al-Qaeda, the Taliban, their associates and associated entities. Those measures included a freeze on financial and economic assets, a travel ban and an arms embargo. They were to be applied by all countries against individuals and entities designated by the Sanctions Committee. The Council also requested the Secretary-General to reappoint five experts to the Monitoring Group to monitor, for a further period of 12 months, the implementation of the sanctions measures.

SECURITY COUNCIL ACTION


The Security Council,
Underlining the obligation placed upon all Member States to implement, in full, resolution 1373(2001), including with regard to any member of the Taliban and Al-Qaeda, and any individuals, groups, undertakings and entities associated with the Taliban and Al-Qaeda, who have participated in the financing, planning, facilitating and preparation or perpetration of terrorist acts or in supporting terrorist acts, as well as to facilitate the implementation of counter-terrorism obligations in accordance with relevant Security Council resolutions,
Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, threats to international peace and security caused by terrorist acts,
Noting that, in giving effect to the measures in paragraph 4(b) of resolution 1267(1999), paragraph 8(c) of resolution 1333(2000) and paragraphs 1 and 2 of resolution 1390(2002), full account is to be taken of the provisions of paragraphs 1 and 2 of resolution 1452 (2002),
Reiterating its condemnation of the Al-Qaeda network and other associated terrorist groups for ongoing and multiple criminal terrorist acts, aimed at causing the deaths of innocent civilians, and other victims, and the destruction of property,
Reaffirming that acts of international terrorism constitute a threat to international peace and security,
Acting under Chapter VII of the Charter,
1. Decides to improve the implementation of the measures imposed by paragraph 4(b) of resolution 1267(1999), paragraph 8(c) of resolution 1333(2000) and paragraphs 1 and 2 of resolution 1390(2002);
2. Also decides that the measures referred to in paragraph 1 above will be further improved in twelve months, or sooner if necessary;
3. Stresses the need for improved coordination and increased exchange of information between the Security Council Committee established pursuant to resolution 1267(1999) (hereinafter referred to as “the Committee”) and the Security Council Committee established pursuant to resolution 1575(2001);
4. Requests the Committee to communicate to Member States the list referred to in paragraph 2 of resolution 1390(2002) at least every three months, and stresses to all Member States the importance of submitting to the Committee the names of and identifying information, to the extent possible, about members of Al-Qaeda and the Taliban and other individuals, groups, undertakings and entities associated with them so that the Committee can consider adding new names and details to its list, unless to do so would compromise investigations or enforcement actions;
5. Calls upon all States to continue to take urgent steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating in their territory to prevent and punish violations of the measures referred to in paragraph 1 above, and to inform the Committee of the adoption of such measures, and invites States to report the results of all related investigations or enforcement actions.
actions to the Committee, unless to do so would compromise the investigations or enforcement actions;

6. Also calls upon all States to submit an updated report to the Committee no later than ninety days from the adoption of the present resolution on all steps taken to implement the measures referred to in paragraph 1 above and all related investigations and enforcement actions, including a comprehensive summary of frozen assets of listed individuals and entities within the territories of Member States, unless to do so would compromise investigations or enforcement actions;

7. Calls upon all States, relevant United Nations bodies, and, as appropriate, other organizations and international parties to cooperate fully with the Committee and with the Monitoring Group referred to in paragraph 8 below, including by supplying such information as may be sought by the Committee pursuant to all pertinent resolutions and by providing all relevant information, to the extent possible, to facilitate proper identification of all listed individuals and entities;

8. Requests the Secretary-General, upon adoption of the present resolution and acting in consultation with the Committee, to reappoint five experts, drawing, as much as possible and as appropriate, on the expertise of the members of the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363(2001), to monitor for a further period of twelve months the implementation of the measures referred to in paragraph 1 above and to follow up relevant leads relating to any incomplete implementation of those measures;

9. Requests the Chairman of the Committee to report orally at least every ninety days to the Council in detail on the overall work of the Committee and the Monitoring Group, and stipulates that these updates shall include a summary of progress in submitting the reports referred to in paragraph 6 of resolution 1390(2002) and paragraph 6 above;

10. Requests the Secretary-General to ensure that the Monitoring Group and the Committee and its Chairman have access to sufficient expertise and resources as and when required to assist in the discharge of their responsibilities;

11. Requests the Committee to consider, where and when appropriate, a visit to selected countries by the Chairman of the Committee and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to implement all relevant Council resolutions;

12. Requests the Monitoring Group to submit a detailed work programme within thirty days of the adoption of the present resolution and to assist the Committee in providing guidance for Member States on the format of the reports referred to in paragraph 6 above;

13. Also requests the Monitoring Group to submit two written reports to the Committee, the first by 15 June 2003 and the second by 1 November 2003, on implementation of the measures referred to in paragraph 1 above and to brief the Committee when the Committee so requests;

14. Requests the Committee, through its Chairman, to brief the Council by 1 August 2003 and by 15 December 2003 with detailed oral assessments of implementation by Member States of the measures referred to in paragraph 1 above based on reports by Member States referred to in paragraph 6 above, paragraph 6 of resolution 1390(2002) and all pertinent parts of reports submitted by Member States under resolution 1573(2001), and in line with transparent criteria to be determined by the Committee and communicated to all Member States, in addition to considering supplementary recommendations by the Monitoring Group, with a view to recommending further measures for consideration by the Council to improve the measures referred to in paragraph 1 above;

15. Also requests the Committee, based on its oral assessments, through its Chairman, to the Council referred to in paragraph 14 above, to prepare and circulate a written assessment to the Council of actions taken by States to implement the measures referred to in paragraph 1 above;

16. Decides to remain actively seized of the matter.

Sanctions Committee activities

The Security Council Committee established pursuant to resolution 1267(1999) (the ‘Al-Qaida and Taliban Sanctions Committee’) submitted a report [S/2004/281] covering its activities from 1 January to 31 December 2003. During that period, the Committee held 4 formal meetings and 36 informal consultations at the expert level. On 2 September, the Committee agreed to change its name, in order to clarify its identity and mandate, to the Security Council Committee established pursuant to resolution 1267(1999) concerning Al-Qaida and the Taliban and associated individuals and entities (the Al-Qaida and Taliban Sanctions Committee).

On 7 January [S/2005/10], the Security Council, following consultations among its members, elected the Chairman and Vice-Chairmen of the Committee for a term ending 31 December 2003. On 19 June [S/2005/660], the Council agreed to elect Heraldo Muñoz (Chile) as the new Chairman of the Committee, following the departure of his predecessor, Juan Gabriel Valdés (Chile).

The main task before the Committee in 2003 was the objective assessment and evaluation of implementation by States of the arms embargo, the travel ban and the assets freeze imposed by the Council on the individuals and entities on the Committee’s consolidated list. Among the Committee’s achievements in 2003 were the issuance of a reformatted version of the consolidated list and its approval of the names of 77 individuals and entities for addition to the list. The list represented the Committee’s key instrument for the implementation of its mandate and served as the fundamental tool available to States in implementing the sanctions measures. Both the Al-Qaida and the Taliban sections of the list were improved as a result of amendments proposed by Member States. Despite those improvements, further upgrades of the quality of information...
on the list remained high on the Committee’s agenda. Despite the unsatisfactory number of reports submitted by States to the Committee, the reports received did, nevertheless, provide some indication of trends in State compliance. Another avenue available to the Committee was the direct monitoring, in situ, of State implementation. In that regard, the Committee benefited from the two reports submitted by the Monitoring Group (see below). The Committee also gained improved insight of the implementation by States of the sanctions measures through two visits that the Committee’s Chairman undertook to selected countries. The task before the Committee remained to evaluate whether States collectively were doing enough to neutralize the Al-Qaida network and the Taliban and to prevent the supporters of those organizations from launching terrorist attacks.

**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 1287(1999) (YUN 1999, p. 265) and 1333(2000) (YUN 2000, p. 273). 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, under the coordination of the Monitoring Group and specialized in customs, border security and counter-terrorism, to be deployed in the States bordering Afghanistan.

**Communication of Secretary-General (February).** On 3 February [S/2003/185], the Secretary-General informed the Security Council President that he had reappointed the Monitoring Group to monitor for a further period of 12 months, until 17 January 2004, the implementation of the measures referred to in paragraph 1 of Council resolution 1363(2001) (see p. 311) and to follow up relevant leads relating to any incomplete implementation of those measures.

**Reports of Monitoring Group (July and December).** In response to Security Council resolution 1455(2003) (see p. 311), the Sanctions Committee Chairman transmitted to the Council President two reports, on 7 July [S/2003/669 & Corr.1] and 1 December [S/2003/1070], on the Monitoring Group’s activities.

The July report noted that during the reporting period (18 January–31 May 2003) there had been marked successes in the fight against the Al-Qaida network and in the efforts to find and detain key Al-Qaida leaders. The arrest of members of Osama bin Laden’s original command team dented the organization’s operational capability and provided intelligence concerning the network. That had led to the breakup of cells in a number of countries and the detention of substantial numbers of the network’s supporters and operatives. However, Al-Qaida and groups associated with it still posed a threat to international peace and security. They retained strong appeal among Islamic extremist elements around the world and were able to draw on a substantial number of cadres trained in Afghanistan or at training centres elsewhere associated with the Al-Qaida network. There were also indications that the network had been able to reconstitute its level of support. The international community had created new cooperative measures to deal with the Al-Qaida financial support network. Numerous countries had adopted new laws, regulations and procedures enabling them to better identify and deter terrorism financing and to take action against those responsible. Despite those successes, the fight against terrorist financing was far from over. Al-Qaida was still able to exploit loopholes and had developed new techniques to acquire, utilize and distribute funds and logistical resources. Substantial funds were still available from the illicit drug trade, through charities and from deep-pocket donors for indoctrination, recruitment and training. Progress against Al-Qaida in those areas would require increased political and economic pressure and the provision of substantial technical assistance and financial aid. Charities and the use of informal transfer mechanisms such as *hawala* continued to pose challenges in the war against terrorist financing. Some steps had been taken in that regard, but a greater effort was still necessary to identify and designate Al-Qaida contributors and those handling their assets. Further success in bringing down Al-Qaida financial networks would require a sustained international effort, along with increased international cooperation, information sharing and coordination.

The Sanctions Committee’s consolidated list, which was established by the Security Council to define the individuals and entities that were subject to Council measures, only included a small subset of known Al-Qaida operatives and others associated with the network, including persons trained in terrorism techniques. That had seriously reduced the overall effectiveness of the measures contained in Council resolutions 1390 (2002) (YUN 2002, p. 281) and 1455(2003). The principal value of the travel ban was to serve as a...
“political statement”, intended to make it clear to countries that they should not permit members of the Taliban, Al-Qa’ida or associated groups to gather or seek refuge in or transit their territories. As a practical matter, few, if any, of the designated Al-Qa’ida members were likely to seek open entry or transit using their own name and legitimate documents. No instances had been reported to the Committee by countries of designated individuals being stopped or turned back. There had been some reports, however, of countries locating, detaining and extraditing persons suspected of supporting or participating in Al-Qa’ida terrorist actions. Despite the travel ban, members of Al-Qa’ida had retained a high degree of mobility and had been able to carry out and contribute to terrorist attacks in several countries around the world. Ostensibly unlisted Al-Qa’ida members remained free to move from country to country. To date, no attempt by the individuals or entities designated on the comprehensive list to breach or circumvent the arms embargo measures had been discovered or reported by any States to the Committee or the Group. Nonetheless, Al-Qa’ida, the Taliban and groups associated with them were still able to acquire adequate quantities of weapons and explosives where and when they needed them. That situation was reinforced by reports of a marked increase in the number and the intensity of attacks against coalition forces in Afghanistan. In addition, the activities of groups associated with Al-Qa’ida in Algeria, Chechnya, Kenya, the Philippines and Saudi Arabia demonstrated that the network was able to acquire all the arms and ammunition it needed for its operations. That fact emphasized the need for greater efforts on the part of all States to interdict the movement of illegal weapons to the Al-Qa’ida network, particularly those States bordering the above-mentioned areas. The reports submitted to the Group by 51 countries concerning implementation of the sanctions measures demonstrated a wide degree of compliance in adopting and applying the measures imposed under resolution 1333(2001) and previous related resolutions. However, almost half of the reporting States indicated that they had encountered problems with regard to incorporating the comprehensive list within their own regulatory framework. That was due, in large measure, to the absence of required minimum identification data associated with the names.

In the December report, the Group said that Al-Qa’ida ideology had continued to spread, raising the spectre of further terrorist attacks and further threats to international peace and security. More of those attacks were being perpetrated by suicide bombers and no region had been spared from such terrorist activities. Iraq had become a fertile ground for Al-Qa’ida, as it was readily accessible to Al-Qa’ida followers anxious to take up the battle against the coalition forces. Progress was being made, worldwide, by law enforcement agencies and military and security forces in dealing with Al-Qa’ida and in neutralizing its operatives and supporters. While the UN consolidated list had grown in numbers, it had not kept pace with the actions taken, or the increased intelligence and other information available, concerning Al-Qa’ida, the Taliban and associated individuals and entities. The list contained a total of 371 names of individuals and entities. That was a small subset of individuals and entities associated with the terrorist network and it reflected a continuing reluctance on the part of many States to provide such names to the Al-Qa’ida and Taliban Sanctions Committee. In many cases, States had preferred to communicate such information only through bilateral channels.

Important progress had been made towards cutting off Al-Qa’ida financing. A large part of its funds had been located and frozen, and many key financial managers had been incarcerated. Yet, many Al-Qa’ida sources of funding had not been uncovered and the network continued to receive funds from charities, deep-pocket donors and business and criminal activities, including the drug trade. Extensive use was still being made of alternative remittance systems, and Al-Qa’ida had shifted much of its financial activity to areas in Africa, the Middle East and South-East Asia where the authorities lacked the resources to regulate such activity. Controlling charities used for purposes that supported terrorism was proving extremely difficult as the close association of such charities with both religious and humanitarian relief purposes had made government regulation and oversight very sensitive. Even when charities had been designated, it had proved difficult to shut them down. The use of shell companies and offshore trusts to hide the identity of individuals or entities engaged in the financing of terrorism was also a difficult problem. The issue was complicated further by a reluctance on the part of States to freeze tangible assets such as business or property. Another problem pertained to the fact that almost a third of the countries that had submitted the required reports to the Committee had indicated that they had not yet incorporated all the names on the UN consolidated list in their national lists. Only about a half of the States reported that they regularly transmitted updated lists to their border services.

The arms embargo was another area of concern. The Group continued to encounter diffi-
In 2003, the issue of Iraq tested the unity and resilience of the United Nations, and the Organization’s staff in Baghdad were the target of a deliberate terrorist bombing. On 20 March, coalition forces, led by the United States, launched a military attack against Iraq without the endorsement of the United Nations and despite a concerted effort at the international level to avert the armed conflict. Following the fall of the Iraqi regime, the Coalition Provisional Authority (the Authority) was established by the occupying forces to provide for, among other things, the interim administration of Iraq. In July, the Authority established the Governing Council of Iraq as its principal body.

Prior to the launching of military action on 20 March, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Agency (IAEA) carried out inspection activities in Iraq with regard to its compliance with weapons-related obligations and provided the Security Council with periodic updates on their findings. The Secretary-General suspended UN activities in Iraq on 17 March and withdrew all remaining UN system personnel on the following day. As at 19 March, UN inspectors reported that they had not found any evidence of proscribed weapons of mass destruction in Iraq, although the time available to the inspectors was not sufficient to complete an overall review and assessment. UN personnel started to return to Iraq in April, following the end of major hostilities. In May, the Secretary-General appointed Sergio Vieira de Mello as his Special Representative for Iraq, whose responsibilities included coordinating all UN activities in Iraq and working with the occupying forces in rebuilding the country.

On 19 August, the UN headquarters in Baghdad was subjected to a terrorist attack, which killed 22 persons, including the Secretary-General’s Special Representative, and wounded more than 150 others. The attack dealt a severe blow to the Organization’s efforts to assist Iraq to return to normality.

In view of the escalation in hostile attacks against the United Nations and other foreign organizations and in the light of the overall serious deterioration of the security environment in Iraq, the Secretary-General decided, on 4 November, to temporarily relocate all UN international staff outside the country. However, the UN system continued to manage a broad range of essential assistance activities in all parts of the country, from both within and outside Iraq.

The United Nations Assistance Mission for Iraq was established in August. However, due to deteriorating security conditions, the Secretary-General decided to set up the Mission’s core in Nicosia, Cyprus; additional staff were deployed to a small office in Amman, Jordan, and other locations in the region.

The Security Council, in resolution 1511(2003) of 16 October, invited the Governing Council to provide, by 15 December 2003, a timetable and a programme for the drafting of a new constitution for Iraq and for the holding of democratic elections. It also resolved that the United Nations should strengthen and pursue its vital role in Iraq as circumstances permitted and authorized a multinational force to take all necessary measures to contribute to the maintenance of security and stability in Iraq. On 15 November, the Authority and the Governing Council signed an agreement setting out a political process for the restoration of sovereignty by 30 June 2004, and...
for the drafting of a new constitution and the holding of elections under that constitution.

On 22 May, the Council lifted civilian sanctions against Iraq with the adoption of resolution 1483(2003). Among other things, the resolution’s adoption opened the way for the resumption of oil exports, with revenues deposited in a Development Fund for Iraq held by Iraq’s Central Bank, and provided for the termination of the Sanctions Committee and the oil-for-food programme by 21 November 2003, transferring responsibility for the administration of any remaining programme activities to the Authority. By resolution 1518(2003) of 24 November, the Council established a new committee to continue identifying individuals and entities affiliated with the former Iraqi regime for the purpose of freezing their funds, financial assets and economic resources. Work continued 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. The fall of Saddam Hussein’s regime led to the discovery of mass graves in Iraq and the identification of remains, including those of Kuwaiti missing persons. The Security Council extended the mandate of the Secretary-General’s High-level Coordinator, especially in view of the fact that Kuwaiti property, including its national archives, had yet to be returned to Kuwait.

The mandate of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) was terminated on 6 October when the Council also decided to end the demilitarized zone area along the Iraq-Kuwait border.

On 13 December, Coalition forces captured Saddam Hussein, who was hiding at a farmhouse 10 miles south of his hometown of Tikrit.

By decision 58/534 of 5 December and decision 58/527 of 17 December, the General Assembly deferred consideration of, respectively, the consequences of the Iraqi occupation of and aggression against Kuwait, and armed Israeli aggression against the Iraqi nuclear installations and in view of the consequences for the established international system on the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security. It included both items in the provisional agenda of its fifty-ninth (2004) session.

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


**UNMOVIC**

On 18 March, UNMOVIC suspended its weapons inspection activities following the Secretary-General’s decision to withdraw all UN staff from Iraq in the light of the imminent outbreak of military conflict. UNMOVIC’s Executive Chairman, Hans Blix, and IAEA’s Director General, Mohamed ElBaradei, kept the Security Council informed on inspection activities carried out in Iraq until that time. The Commission carried out biological, chemical, missile and multidisciplinary inspections. On 30 June 2003, Mr. Blix ended his assignment. After the 19 August terrorist attack against the UN headquarters in Baghdad, UNMOVIC’s inspection-specific equipment was transferred to the Cyprus field office, which assumed the responsibility of the management of the remaining UNMOVIC local staff in Iraq. UNMOVIC had resumed weapons inspection activities in Iraq on 27 November 2002, after a four-year absence.

By a 14 November letter [S/2003/1108], the Secretary-General proposed to the Security Council that Chen Weixiong (China) be appointed to the UNMOVIC College of Commissioners, replacing Li Junhua (China). On 18 November [S/2003/1109], he proposed that Susan F. Burk (United States) be appointed to the College, replacing John Wolf (United States). In two separate replies of 20 November [S/2003/1108], [S/2003/1111], the Council agreed with the Secretary-General’s proposals.

**Reports of UNMOVIC (February, May, August, November).** As called for in Security Council resolution 1284(1999) [YUN 1999, p. 250], 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 activities. UNMOVIC staff training courses were held throughout the year.

The February report [S/2003/232] said that the period under review, from 1 December 2002 to 28 February 2003, had been one of intense activity in Iraq due to the resumption of inspections and monitoring in November 2002 [YUN 2002, p. 288]. Since the arrival of the first inspectors in Iraq on 27 November 2002, UNMOVIC had conducted more than 550 inspections covering approximately 350 sites, including 44 new sites. All inspections were performed without notice and access was in virtually all cases provided promptly; in no case had the inspectors seen convincing evidence that the Iraqi side knew in advance of their impending arrival. The inspections took place throughout Iraq at industrial sites, ammunition depots, research centres, universities, presidential sites, mobile laboratories, private houses, missile production facilities, military camps and agricultural sites. At all sites that had been inspected before 1998, re-baselining activities were performed. Those included identification of the function and contents of each building, new or old, at the site. Also included were verification of previously tagged equipment, application of seals and tags, evaluation of locations for the future installation of cameras and other monitors, and the taking of samples and interviews with site personnel. At certain sites, ground-penetrating radar was used to look for underground structures or buried equipment. Inspections were effectively helping to bridge the gap in knowledge that arose due to the absence of inspections between December 1998 and November 2002.

More than 200 chemical and more than 100 biological samples had been collected at different sites. Three quarters of those had been screened using UNMOVIC’s own analytical laboratory capabilities at the Baghdad Ongoing Monitoring, Verification and Inspection Centre. The results to date had been consistent with Iraq’s 7 December 2002 declaration [YUN 2002, p. 288], submitted in response to Security Council resolution 1441(2002) [ibid., p. 292]. UNMOVIC had identified and started the destruction of approximately 50 litres of mustard declared by Iraq that had been placed under United Nations Special Commission (UNSCOM) supervision in 1998. Towards the end of February 2003, when the rotation of inspectors took place, the number of UNMOVIC personnel in Iraq reached a total of 202 staff, including 84 inspectors. On 19 and 20 January and on 8 and 9 February, the UNMOVIC Executive Chairman and the IAEA Director-General, visited Baghdad to discuss relevant inspection and cooperation issues with Iraqi officials. The January meetings were devoted to stocktaking of the inspections that had taken place so far and to resolving certain operational issues. A joint statement, issued upon conclusion of the talks, recorded a number of matters that had been solved and some that remained unsolved, such as flights by U-2 surveillance planes, the conduct of interviews and the enactment of national legislation. At the February meetings, the Iraqi side handed over a number of papers regarding unresolved disarmament issues. However, the papers did not contain any new evidence, nor did they resolve any of the open issues. Following the February meetings, Iraq formally accepted UNMOVIC’s use of aerial surveillance platforms and undertook to take the necessary measures to ensure their safety. The first such flight was conducted by a high-altitude U-2 surveillance aircraft on 17 February. During the reporting period, UNMOVIC requested 28 individuals to present themselves for interviews in Baghdad without the presence of observers. At first, none of them agreed. At the January meetings, the Iraqi side committed itself to encouraging persons to accept interviews in private and UNMOVIC started examining the practical modalities for conducting interviews outside Iraq. In February, UNMOVIC directed Iraq to destroy a proscribed missile system and some reconstituted casting chambers that could be used to produce motors for missiles capable of surpassing the 150-kilometre range limit imposed on Iraq by Council resolution 687(1991) [YUN 1991, p. 172]. The destruction process was to commence on 1 March.

The twelfth session of the UNMOVIC College of Commissioners (New York, 24-25 February) discussed, among other things, a draft paper prepared by UNMOVIC outlining clusters of unresolved disarmament issues. UNMOVIC’s Executive Chairman observed that, during the reporting period, Iraq could have made greater efforts to find any remaining proscribed items or provide credible evidence showing the absence of such items. The results in terms of disarmament had been very limited and it was hard to understand why a number of measures, which were implemented only in mid-January, could not have been initiated earlier.

The May report [S/2003/580] covered the period from 1 March to 31 May and also provided a wider perspective on UNMOVIC’s activities since the resumption of inspections in November 2002. The report noted that on 18 March, UNMOVIC suspended its inspection activities following the
Secretary-General’s 17 March decision to withdraw all UN staff from Iraq. Following the armed action against Iraq, which started on 20 March, the Coalition Provisional Authority (the Authority) organized units to identify any Iraqi weapons of mass destruction (WMD) and other proscribed items and to engage in the task of disarming Iraq, which was formerly pursued by UNMOVIC and IAEA. The findings of the relevant units established by the Authority had not been made available to UNMOVIC except through public media reports or had been approached by the Coalition for information or assistance. Between November 2002 and March 2003, UNMOVIC did not find evidence of the continuation or resumption of programmes of WMD or significant quantities of proscribed items from before the adoption of Council resolution 687 (1991). A small number of undeclared empty chemical warheads that appeared to have been produced prior to 1990 were uncovered and, together with a few other proscribed items, were destroyed. Some 70 missiles that were determined to exceed the range limits set by the Security Council and associated equipment were destroyed under UNMOVIC supervision before its operations were suspended. Inspections and declarations and documents submitted by Iraq, not least during the period under review, contributed to a better understanding of previous weapon programmes. However, the long list of proscribed items unaccounted for was not shortened either by the inspections or by Iraqi declarations and documentation. From the end of January 2003, the Iraqi side, which until then had been cooperative in terms of process but not equally cooperative in terms of substance, devoted much effort to providing explanations and proposing methods of inquiry into such issues as the production and destruction of anthrax, the VX nerve agent and long-range missiles. Despite those efforts, little progress was made in the solution of outstanding issues during the time of UNMOVIC operations in Iraq.

By the time inspections were suspended, UNMOVIC had performed a number of inspections in order to verify intelligence approached by the Coalition. Furthermore, the Commission was not able to resume its inspection activities; the resolutions that guided its work until the armed action would continue to be implemented to the extent that they were still relevant and had not been rendered obsolete by resolution 1483 (2003) (see p. 338). It was clear that most of the work performed by the Commission to date relating to the oil-for-food programme would be rendered obsolete. From the day of the first resumed inspection on 27 November 2002 until the day of the withdrawal of all UN personnel on 18 March 2003, UNMOVIC conducted 731 inspections, covering 411 sites, 88 of which had not been inspected before. During the first phase of inspections, the focus was on assessing activities and equipment at those sites, determining the changes made since 1998 and identifying existing key personnel. The early inspections provided knowledge about Iraq’s programmes and about State companies involved in such activities. The second period, from mid-January to March, was characterized by reinspection of some of the sites with a more investigative approach. The largest effort was expended on industrial and research and development sites, followed by military sites. During the period 1 to 17 March, UNMOVIC made 15 requests for interviews with Iraqi scientists, bringing the total number of requests since January 2003 to 54. During that short period, nine interviews were actually conducted, bringing the total number of interviews in all disciplines to 14. All interviews were conducted under UNMOVIC procedures and format: no witnesses, recording or videotaping were allowed and interviews were conducted in locations selected by UNMOVIC. Information obtained during interviews was found useful and led in some cases to an updating of the assessments contained in UNMOVIC’s list of unresolved disarmament issues.

In addition to the portable chemical and biological detectors for in situ direct determination of traces of chemical and biological agents, UNMOVIC had at its disposal advanced geophysical equipment for the search of hidden structures and storage spaces, including ground-penetrating radar; electromagnetic induction soil change mapping; computer and server forensics; and remote drilling and sampling systems for munitions. At the thirteenth session of the College of Commissioners (New York, 28 May), it was agreed that a compendium encompassing the knowledge and experience gained by UNMOVIC and its predecessor over the years would be useful as an objective record. The Executive Chairman ob-
served that even though some of its mandated functions were no longer operable, UNMOVIC continued to be a subsidiary organ of the Security Council until the Council decided otherwise.

The August report [S/2003/844] covered the period from 1 June to 31 August. On 30 June, the UNMOVIC Executive Chairman, Mr. Blix, ended his assignment. The Secretary-General appointed the Deputy Executive Chairman, Demetrius Perricos, as Acting Executive Chairman effective 1 July. Resolution 1483(2005) of 22 May (see p. 338) underlined the intention of the Council to revisit the mandates of UNMOVIC and IAEA as set forth in earlier resolutions. Since that had yet to transpire, UNMOVIC had continued with those parts of its mandate that remained operable, such as developing monitoring and verification projects to adapt to the altered environment in Iraq following the war. The 19 August terrorist attack against the UN headquarters in Baghdad (see p. 346), which included UNMOVIC offices, caused numerous deaths and injuries among international and Iraqi staff. Two UNMOVIC local staff lost their lives in the attack. Given the routine nature of UNMOVIC’s activity during the reporting period, the College of Commissioners was not convened in August.

The November report [S/2003/1135], which covered the period from 1 September to 30 November, also provided a historical review of the destruction, removal or rendering harmless of items and materials in connection with Iraq’s proscribed biological programme. During the reporting period, no information was available to UNMOVIC on the results of the investigations of the United States-led Iraq Survey Group, other than the statement released to the public on the interim progress report made by the Group to the United States Senate Select Committee on Intelligence. The general impression from that statement was that most of the findings outlined related to complex subjects familiar to UNMOVIC. However, in the absence of access to the full report, UNMOVIC was not in a position to properly assess the information contained in the statement. After the 19 August attack against the UN headquarters in Baghdad, all of UNMOVIC’s inspection-specific equipment was transferred to the Cyprus field office, which assumed the responsibility of the management of the remaining UNMOVIC local staff in Baghdad. The fourteenth session of the College of Commissioners (New York, 21 November) recognized the considerable verification experience and expertise of UNMOVIC, as well as its multidisciplinary approach, which it hoped would be given due recognition in any future discussions in the Security Council in the context of revisiting UNMOVIC’s mandate.

A later report [S/2004/160] noted that UNMOVIC was continuing to assess material that was in the public domain on the issues pertaining to Iraq’s WMD and to compare it against what was known by UNMOVIC about Iraq’s various weapons programmes.

IAEA

IAEA report (January). In accordance with Security Council resolution 1441(2002) [YUN 2002, p. 292], IAEA submitted to the Council, through the Secretary-General, a 27 January update [S/2003/95] on its verification activities in Iraq. Since the resumption of inspections on 27 November 2002 [YUN 2002, p. 289], IAEA had conducted 139 inspections at 106 sites, including two presidential sites. The focus of the first phase of inspections was reconnaissance: re-establishment of IAEA’s knowledge of Iraq’s remaining nuclear capabilities, including confirmation of the locations of major equipment, of nuclear material and significant non-nuclear materials, and of key technical personnel. The first step of the reconnaissance phase was to inspect facilities that were known to have been of significance in the past programme and to confirm that no nuclear activities had been revived at those locations. IAEA also re-inspected several dozen facilities that had been deemed, prior to 1998, capable of supporting the resumption of a nuclear programme. The Agency reported no signs of nuclear activities at any of those facilities.

While IAEA was still continuing with its reconnaissance, the inspectors had initiated the investigative phase, with particular emphasis on Iraq’s activities since 1998, focusing on those areas of concern identified by States and by IAEA. Eight sites, all of which had been associated with Iraq’s past nuclear activities, were inspected to ascertain whether there had been developments in technical capabilities, organization, structure, facility boundaries or personnel. IAEA observed that, at the majority of those sites, the equipment and laboratories had deteriorated to such a degree that the resumption of nuclear activities would require substantial renovation and no signs of nuclear activity had been found. Several other facilities that had never been inspected by IAEA or by UNSCOM in the past were inspected in response to information that indicated the presence of large industrial capabilities at those locations. None of those facilities had proved to be nuclear-related or to require their declaration by Iraq.

Prior to the withdrawal of IAEA from Iraq in 1998, the Agency had removed from Iraq all
nuclear-weapons usable nuclear material. The remaining stocks of nuclear material were stored under IAEA seal in a storage facility referred to as Location C, just outside the Tuwaitha complex. An inspection of Location C in December 2002 confirmed that the IAEA seals and the inventory of nuclear material remained intact. IAEA had conducted many interviews with Iraqi scientists since the resumption of inspections, some in the form of group interviews. States had expressed concerns about attempts by Iraq to procure high-strength aluminium tubes. Those concerns arose from the fact that high-strength aluminium tubes with appropriate characteristics could be used as components of equipment for the enrichment of uranium. Iraqi officials indicated to IAEA that the tubes had been intended for use in connection with a programme aimed at reverse engineering 81-millimetre rockets. The Agency conducted a series of inspections at sites involved in the production and storage of reverse engineered rockets, held discussions with and interviewed Iraq personnel, took samples of aluminium tubes and had begun a review of the documentation provided by Iraq relating to contracts with private traders. As a result of those efforts, it had been possible to confirm the existence of a programme for producing 81-millimetre rockets. While it would be possible to modify such tubes for the manufacture of centrifuges, they were not directly suitable for such use. In support of the IAEA inspections, Iraqi authorities had provided access to all facilities visited without conditions and without delay. They had also been cooperative in making available additional original documentation. However, those documents did not include any information relevant to questions and concerns outstanding since 1998. The IAEA Director General and the UNMOVIC Executive Chairman visited Baghdad on 19 and 20 January 2003, with a view to encouraging greater transparency and more proactive cooperation on the part of Iraq. IAEA observed that in the first eight weeks of inspections, it had visited all sites identified by it or by States as significant. Although not all of the laboratory results of sample analysis were yet available, no evidence of ongoing prohibited nuclear or nuclear-related activities at those locations had been detected, nor had the inspections revealed signs of new nuclear facilities or direct support to any nuclear activity. However, further verification activities would be necessary before IAEA would be able to provide credible assurance that Iraq had no nuclear weapons programme.

**IAEA work programme**

In response to Security Council resolution 1284(1999) [YUN 1999, p. 230], the IAEA Director General, on 19 March [S/2003/342], submitted to the Council, though the Secretary-General, the IAEA work programme for the discharge of its mandate. The nature and content of the work programme were based on an understanding of Iraq’s past achievements and of its capability to support nuclear or nuclear-related activities. For IAEA to resolve the key issue of whether Iraq had revived or attempted to revive its nuclear weapons programme between 1998 and 2002, a number of key tasks needed to be implemented by Iraq. Although Iraq had initiated work on many of those tasks, it still needed to provide: a complete description of all technical activities related to nuclear weapons components research and development and production, and uranium conversion and enrichment developments; access to all documents; the names and whereabouts of all individuals requested by IAEA, and full access to Iraqi officials for purposes of interviewing; a complete description of the evolution of its industrial infrastructure since 1998; explanations of and documentation on procurement attempts and offers related to the possible development of Iraq’s nuclear-related capabilities; and a full description of its post-1998 procurement system. Iraq was also required to enact comprehensive legislation that would secure the enforcement of all prohibitions associated with relevant Council resolutions. Assuming that Iraq would complete those tasks, and barring unforeseen circumstances, IAEA could, within two to three months, provide the Council with an objective assessment of whether Iraq had revived or attempted to revive its nuclear weapons programme. The Agency emphasized that the verification process always had some degree of uncertainty and could not provide absolute guarantees regarding the absence of small-scale nuclear activities. Nevertheless, an intrusive inspection system, such as the one that IAEA was implementing in Iraq, could minimize the risk of prohibited activities going undetected, and deter the revival of a nuclear weapons programme. IAEA monitoring and verification would entail: comprehensive and regular reporting by Iraq on its activities and on its imports and exports; unconditional and immediate access for unannounced inspections at any site deemed necessary by IAEA; the conduct of location-specific and wide-area environmental monitoring; real-time monitoring for the detection of radiation signatures; and the introduction of new technologies and methods of verification. Technical meetings with and interviews of Iraqi
personnel would remain a key element of the monitoring and verification regime.

**IAEA reports (April and October).** In accordance with Security Council resolution 1055(1996) [YUN 1996, p. 289], IAEA submitted to the Council, through the Secretary-General, two consolidated six-monthly reports, on 11 April [S/2003/422] and 10 October [S/2003/995], on the Agency’s verification activities in Iraq.

In April, IAEA said that the meetings between its Director General and the UNMOVIC Executive Chairman with Iraqi officials (19–20 January and 9 February) (see also p. 317) permitted the refinement and extension of the practical arrangements for resuming inspections that had been endorsed in resolution 1441 (2002) [YUN 2002, p. 292]. Since the first group of inspectors arrived in Iraq on 25 November 2002, IAEA had carried out 237 inspections at some 184 locations, including 27 new locations. More than 1,600 different buildings were inspected. Inspections were undertaken at State-run and private industrial facilities, research centres and universities, either at locations where Iraq’s technical capabilities were known to have existed in the past or at new locations suggested by remote monitoring and analysis or identified by other States. IAEA sought to determine what, if anything, had occurred in Iraq since 1998 relevant to the establishment of nuclear capabilities. The vast majority of the inspections were carried out with no prior announcement and a number of them were carried out in cooperation with UNMOVIC. IAEA’s activities included a radiometric survey of Iraq’s main watercourses, the reinstatement of aerosol sampling and land- and vehicle-based radiometric surveys. The Agency also implemented a programme aimed at understanding Iraq’s procurement pattern. Between November 2002 and 17 March 2003, Iraqi authorities provided access to all facilities requested by IAEA, including presidential compounds, private residences and new sites, without conditions or delay. A large number of documents that detailed Iraq’s pre-1991 laser enrichment programme were found in the home of a former Iraqi scientist. Iraq provided an updated list of 430 technical staff involved in the Iraqi nuclear programme in the past. IAEA conducted some interviews with individuals and groups in their workplaces, while others were conducted during pre-arranged meetings with scientists and others known to have been involved in the past with the nuclear programme. The Agency was able to interview 17 individuals at locations chosen by it. Some restrictions were imposed on IAEA at the beginning, when interviewees first refused to be interviewed without the presence of an Iraqi observer. Subsequently, two individuals accepted to be interviewed in private but without being taped. Most of those interviews proved to be of help in improving IAEA’s understanding of Iraq’s nuclear-related capabilities.

As at 17 March 2003, IAEA had not found in Iraq any evidence of the revival of a nuclear programme prohibited under resolutions 687(1991) [YUN 1991, p. 172] and 707(1991) [ibid., p. 188]. However, the time available before inspections were suspended on 17 March was not sufficient to permit IAEA to complete its overall review and assessment. That review would have required further investigation of various types of assets needed for Iraq to develop a nuclear programme and investigation of all the possible processes of nuclear weapon development. The industrial capacity in Iraq had deteriorated substantially over the preceding decade, mainly due to the lack of equipment and of consistent maintenance by Iraq of sophisticated equipment. All previously inspected and tagged critical machine tools were accounted for. At a few inspection sites, new machine tools had been installed, and at a few others machine tools that had been inoperative in 1998 were retrofitted. Many areas of Iraqi expertise seemed to have gone through significant depletion throughout the years, particularly as a result of the departure of many qualified staff. Less than a third of the group that conducted Iraq’s centrifuge enrichment research and development work from 1987 to 1991 remained in the company that succeeded that group. All known procured, indigenously produced and practically recoverable uranium compounds that had not been removed by 1994 had remained in IAEA custody and were stored under IAEA seal. The inspection and verification of the nuclear material subject to IAEA safeguards stored at Location C at Tuwaitha did not uncover any discrepancies. The Agency systematically explored Iraq’s nuclear material production capabilities and found no indication of the revival of any facilities destroyed in 1991 that had been related to uranium concentration or conversion. IAEA investigated reports centreing on documents provided to it by a number of States that pointed to an agreement between the Niger and Iraq on the sale of uranium to Iraq between 1999 and 2001. Based on its analysis, IAEA concluded, with the concurrence of outside experts, that those documents were in fact forged and the allegations were thus unfounded.

The Agency noted that on 17 March, in consultation with the Security Council President and the Secretary-General, it had withdrawn its staff from Iraq, as part of the decision to withdraw all UN staff, out of concern for their safety and following an advisory of upcoming military action.
As at that date, IAEA found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq. Nevertheless, that did not mean that IAEA had completed its investigations on whether Iraq had attempted to revive its nuclear programme between 1998 and 2002. Provided that Iraq’s cooperation had remained active, and barring unforeseen circumstances, IAEA would have been able to provide the Council with credible assurance regarding the absence of such revival within two to three months of continuing verification activities. However, any such assurance, as with any verification process, would have had a degree of uncertainty. It was for that reason that IAEA would have moved to the implementation of its reinforced ongoing monitoring and verification plan, which was designed to act as an effective deterrent to and insurance against resumption by Iraq of its nuclear weapons programme, while permitting IAEA to continue to look for possible past activities. Though inspections had been halted due to the military action, IAEA’s mandate remained valid, and the Agency, as the sole legal authority to verify Iraq’s nuclear activities, remained ready to resume its verification activities as soon as conditions permitted.

In October, IAEA reported that it had not been in a position to implement its mandate in Iraq since 17 March. In June, however, following media reports of looting of nuclear and radioactive material at the Tuwaitha complex, the Director General requested that the Agency inspect the nuclear material storage facility near the Tuwaitha complex (see below). Since April, IAEA had analysed the wealth of additional information collected during inspections; consolidated its overall information assets and analysed a variety of new information, including satellite imagery, to update its knowledge of the relevant facilities in Iraq; refined its plan for resumed verification activities; and evaluated lessons learned through its past experience in Iraq. IAEA had also been able, with the support of member States, to continue with some of its investigations outside Iraq, following up inspections and subsequent analysis. Those post-inspections activities had revealed no evidence of the revival of a nuclear weapons programme in Iraq.

In a later report [S/2004/285], the Agency stated that it still had not been in a position to implement its mandate in Iraq during the last months of 2003.

### IAEA mission in Tuwaitha

Following extensive media reports of looting of nuclear and radioactive material at the Tuwaitha complex in Iraq, the IAEA Director General requested, and the Authority agreed, that IAEA should conduct an inspection, in order to verify the nuclear material subject to safeguards stored at Location C Nuclear Material Storage Facility near the Tuwaitha complex south of Baghdad. The report on the inspection mission (7-23 June 2003) was submitted to the Security Council on 15 July [S/2003/711].

The nuclear material inspected was in two buildings: building 1 contained a large variety of uranium compounds, while building 2 contained only yellowcake and ammonium diuranate waste. The inspection team found that some safeguards seals applied to the two buildings after the December 2002 inventory verification had been removed, as the team had been informed by the Authority prior to the start of the mission. The inspection team estimated that at least 10 kilograms of uranium compounds could have been dispersed, but that the quantity and type of uranium dispersed were not sensitive from a proliferation point of view.

### WMD allegations

**Communications (2-24 January).** On 2 January [S/2003/7], South Africa, on behalf of the Non-Aligned Movement, called on the Security Council to allow the UNMOVIC Executive Chairman and the IAEA Director General to present their views in an open meeting, thus allowing the rest of the UN membership to receive a first-hand account of their reports.

On 22 January [S/2003/88], Iraq informed the Secretary-General and the Council President that, pursuant to resolution 715(1991) [YUN 1991, p. 894], it had sent its biannual declarations on the sites, equipment and materials subject to monitoring, for the period from July 2002 to January 2003, to the Baghdad Ongoing Monitoring, Verification and Inspection Centre.

On 24 January [S/2003/95], Iraq said that Iraqi scientists who had been contacted to cooperate with UNMOVIC and IAEA requests for private interviews had agreed to do so, but had requested a witness to be present during the interviews.

On the same day [S/2003/94], Iraq said that the declaration submitted by it on 7 December 2002 [YUN 2002, p. 289] to the United Nations, together with the cooperation displayed by Iraqi agencies with the inspection teams since the resumption of inspections in November 2002, proved that Iraq was acting in good faith and was resolved to fulfil its obligations, with the aim of proving that it was not concealing any activity or weapons proscribed by relevant Security Council resolutions. Attestation of those facts should lead the Council to reject American and British threats of aggression directed against Iraq.
On 27 January [5/2005/97], the Security Council did not contend that WMD remained in Iraq, nor did they exclude the possibility. They did, however, point to a lack of evidence and to inconsistencies. Regrettably, the declaration did not contain any new evidence that would eliminate unresolved questions. Some of those unresolved questions pertained to whether Iraq had weaponized the nerve agent VX; evidence of the destruction of the biological warfare agent anthrax; and whether Iraq had retained SCUD-type missiles after the 1991 Gulf War [YUN 99, p. 167]. Though Iraq continued to state that there were no proscribed items in its territory, information provided by Member States indicated the movement and concealment of missiles and chemical weapons and mobile units for biological weapons production. UNMOVIC would follow up any credible leads. It was concerned that Iraq was placing documents in the homes of private individuals, as inspectors had discovered 3,000 pages of documents pertaining to the laser enrichment of uranium inside the private home of a scientist.

Mr. ElBaradei said that IAEA had been engaged since 27 November 2002 in the process of verifying the existence or absence of a nuclear weapon programme in Iraq. An updated progress report on IAEA activities during that period was submitted to the Security Council on 27 January (see p. 319). IAEA had made good progress in its knowledge of Iraq’s nuclear capabilities. The investigative inspections focused on areas of concern identified by Member States; facilities identified through satellite images as having been modified or constructed since 1998; and other inspection leads identified independently by IAEA. Iraq’s December 2002 declaration was consistent with IAEA’s existing understanding of Iraq’s pre-1991 nuclear programme. However, it did not provide any new information relevant to certain questions that had been outstanding since 1998, in particular regarding Iraq’s progress prior to 1991 related to weapons design and centrifuge development. While those questions did not constitute unresolved disarmament issues, they nevertheless needed further clarification. The inspectors, among other things, had conducted a number of interviews of Iraqi scientists, managers and technicians as a valuable source of information about past and ongoing programmes and activities. IAEA was also investigating reports of Iraqi efforts to import uranium since 1991. IAEA had emphasized to Iraqi officials the need to shift from passive support—responding as needed to inspectors’ requests—to proactive support—voluntarily assisting inspectors by providing documentation, people and other evidence that would assist in filling the remaining gaps in IAEA’s information. IAEA noted that inspections were time-consuming, but, if successful, they could ensure disarmament through peaceful means. It was worth recalling that in past experience with Iraq, the elimination of its nuclear weapons programme was accomplished mostly through intrusive inspections. The presence of international inspectors in Iraq served as an effective deterrent to, and insurance against,
resumption of programmes to develop WMD. IAEA had found no evidence that Iraq had revived its nuclear weapons programme since its elimination in the 1990s. However, IAEA’s work was steadily progressing and should be allowed to run its natural course. Barring exceptional circumstances and provided there was sustained, proactive cooperation by Iraq, IAEA should be able within the next few months to provide credible assurance that Iraq had no nuclear programme.

Communications (31 January–4 February). On 31 January [S/2003/131], Iraq responded to some of the comments made by Mr. Blix during his 27 January briefing to the Security Council. Iraq had made every effort to implement Council resolution 1441(2002) [YUN 2002, p. 292] and had supported its December 2002 declaration concerning the unilateral destruction of biological weapons with irrefutable evidence. Iraq emphasized that it had provided unlimited cooperation to both UNMOVIC and IAEA, and had declared all its proscribed programmes and taken the necessary steps to eliminate them. What remained were not WMD programmes, but rather questions about earlier programmes. The allegation that Iraq still had a WMD programme was a politically motivated lie by the United States and its vassals for the purpose of keeping the disarmament file open-ended and providing cover for aggression against Iraq. If the United States had any real, convincing evidence to contradict the Iraq declarations, it would have presented it. The inspections carried out since November 2002 did not find anything that contradicted Iraq’s declarations.

Also on 31 January [S/2003/132], Iraq said that the United States had called for a Security Council meeting on 5 February at which its Secretary of State, Colin Powell, would present what had been dubbed evidence of Iraq’s possession of WMD. Iraq requested the United States, through the Secretary-General, to submit its alleged evidence to UNMOVIC or IAEA, so as to enable the two organizations to begin their investigations immediately and inform the Council of the extent to which those allegations were correct.

On 4 February [S/2003/132], South Africa transmitted to the Council President the text of the communiqué issued by the seventh ordinary session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the African Union, held at the level of heads of State and Government (Addis Ababa, Ethiopia, 3 February). The Central Organ was of the view that a military confrontation in Iraq would be a destabilizing factor for the whole region and would have far-reaching economic and security consequences for all countries of the world, and, particularly, for those of Africa.

Security Council consideration (5 February). On 5 February [meeting 4701], the Security Council considered the situation between Iraq and Kuwait and heard a presentation by the Secretary of State of the United States, Mr. Powell, who said he had asked for the meeting for two purposes: to support the core assessments made by Mr. Blix and Mr. ElBaradei in their 27 January reports to the Council; and to provide the Council with information that the United States had obtained about Iraq’s WMD programme and involvement in terrorism. The material came from a number of sources, including technical, such as intercepted telephone conversations and satellite photos, and from testimony from individuals. The evidence and conclusions pointed to the fact that Saddam Hussein and his regime had made no effort to disarm and were actually concealing their efforts to produce more WMD. According to the Secretary of State, intercepted telephone conversations among Iraqi officials (two tapes of which were played for the Council) and satellite photos (several of which were projected on a screen) proved that Iraq had carried out a policy of evasion and deception that went back 12 years—a policy set at the highest levels of the Iraqi Government. The voluminous December 2002 declaration submitted by Iraq was but an attempt to overwhelm the Security Council with useless information in order to give the false impression that the inspection process was working. According to sources, documents were being moved to avoid detection and hard drives of computers at Iraqi weapons facilities were being replaced. However, WMD were also being moved to keep them from being found by inspectors.

The Secretary of State stressed that his statement was backed by solid sources based on solid intelligence. Iraq was also trying to hide people, as it had not complied with its obligation to allow immediate, unimpeded, unrestricted and private access to all officials and other persons associated with the weapons programme, and it had been reported that Saddam Hussein had directly participated in the effort to prevent interviews by threatening Iraqi scientists with serious consequences. In addition, the Iraqis had never accounted for all the biological agents they admitted they had and, in addition, had never accounted for all the organic material used to make them. They also had not accounted for many of the weapons filled with those agents, such as their R-400 bombs. The United States had first-hand descriptions of biological weapons factories on wheels and on rails. The trucks and train cars were easily moved and were designed to
evade detection by inspectors. In a matter of months, they could produce a quantity of biological poison equal to the entire amount that Iraq claimed to have produced in the years prior to the 1991 Gulf War. The United States knew that Iraq had at least seven mobile biological agent factories and the truck-mounted ones had at least two or three trucks each; that meant that the mobile production facilities were very few—perhaps 18 trucks. It had taken the inspectors four years to find out that Iraq was making biological weapons; Mr. Powell asked how long would it take them to find even one of those 18 trucks, without Iraq coming forward as it was supposed to do with information about those kinds of capabilities. The Iraqi regime had also developed ways to disperse lethal biological agents into the water supply and air. Iraq, in fact, had a programme to modify aerial fuel tanks for Mirage jets, allowing the aircraft to spray anthrax. As to chemical weapons, Iraq had embedded key portions of its illicit chemical weapons infrastructure within its legitimate civilian industry. That dual-use infrastructure could turn from clandestine to commercial and then back again. Inspections would be unlikely to turn up anything prohibited, especially if there was any warning that the inspections were coming. The United States estimated that Iraq had a stockpile of between 100 and 500 tons of chemical weapons agent, enough to fill 16,000 battlefield rockets. Saddam Hussein had used chemical weapons against his neighbours and his own people and had recently authorized his field commanders to use them again; he would not be giving out those orders if he did not have the weapons or the intent to use them. Iraq also had a massive clandestine nuclear weapons programme that covered several different techniques to enrich uranium, including electromagnetc isotope separation, gas centrifuge and gas diffusion. Saddam Hussein was so determined to obtain a nuclear bomb that he had made repeated attempts to acquire high-specification aluminium tubes from 11 different countries—even after inspection resumed. United States experts thought that those tubes were intended to serve as rotors in centrifuges used to enrich uranium. Iraq was also developing systems to deliver WMD, in particular ballistic missiles and unmanned aerial vehicles (UAVs). UAVs were well suited for dispensing chemical and biological weapons and there was ample intelligence that Iraq had dedicated much effort to developing and testing spray devices that could be adapted for UAVs.

The Secretary of State also said that there existed a nexus between Iraq and the Al-Qaida terrorist network. In fact, Iraq was harbouring a terrorist network headed by Abu Musab al-Zarqawi, an associate and collaborator of Osama bin Laden, which operated from a camp located in north-eastern Iraq. Although Iraqi officials denied accusations of ties with Al-Qaida, those denials were simply not credible. In 2002, said the Secretary of State, Al-Qaida associates had bragged that the situation in Iraq was “good”—that Baghdad could be transited quickly. Ties between Iraq and Al-Qaida went back to the early and mid-1990s, when President Hussein and bin Laden reached an understanding that Al-Qaida would no longer support activities against Baghdad. From the late 1990s until 2001, the Iraqi Embassy in Pakistan played the role of liaison to the Al-Qaida organization. Although some claimed that those contacts did not amount to much, the Secretary of State said that hatred and ambition were enough to bring Iraq and Al-Qaida together—enough for Al-Qaida to turn to Iraq for help in acquiring expertise on WMD. Saddam Hussein was determined to keep his WMD and determined to make more. The United States would not and could not run the risk that Iraq someday would use those weapons. Leaving Saddam Hussein in possession of those weapons for a few months or years was not an option—not in a post-11 September world. Iraq posed a threat and remained in material breach of Council resolutions. By its failure to seize its one last opportunity to come clean and disarm, Iraq had put itself in deeper material breach and closer to the day when it would face serious consequences for its continued defiance of the Council. The United States Government had an obligation to its citizens—and to the Security Council—to see that resolutions were complied with. The United States wrote resolution 1441(2002) [YUN 2002, p. 292] to try to preserve the peace and to give Iraq one last chance. Iraq was not taking that one last chance. The Council, therefore, could not shrink from its duty and responsibility.

France said that by adopting resolution 1441(2002), the Council had chosen to act through the path of inspections. That policy rested on three fundamental points: a clear objective on which there could be no compromise—the disarmament of Iraq; a method—a rigorous system of inspections that required Iraq’s active cooperation and that affirmed the Council’s central role at each stage; and finally, a requirement—that of the Council’s unity. Important results had already been achieved through the inspections regime, which had enabled UNMOVIC and IAEA to progress in their knowledge of Iraq’s capacity. There remained some grey areas in Iraq’s cooperation, particularly unresolved questions in the ballistic, chemical and biological domains. Those uncertainties were not acceptable.
There was evidence that Iraq could produce the chemical agents VX and yperite and that it possibly possessed significant stocks of anthrax and botulism toxin. The absence of long-range delivery systems reduced the potential threat of those weapons, but there was disturbing evidence of Iraq’s continued determination to acquire ballistic missiles beyond the authorized 150-kilometre range. In the nuclear domain, there was a need to clarify in particular any attempt by Iraq to acquire aluminium tubes. It was a demanding demarche, anchored in resolution 1441 (2002), that the Council had to take together. If that path was to fail and lead into a dead end, France ruled out no option, including the recourse to force. For the time being, however, the inspections regime had to be strengthened, since it had not been explored to the end. Use of force could only be a final recourse. With the choice between military intervention and an inspections regime that was inadequate for lack of cooperation on Iraq’s part, the Council had to choose to strengthen the means of the inspection. To do that, the Council had to define the requisite tools for increasing the operational capabilities of UNMOVIC and IAEA. France proposed doubling or tripling the number of inspectors, opening up more regional offices, establishing a specialized body to keep under surveillance the sites and areas already inspected, increasing the capabilities for monitoring and collecting information on Iraqi territory and establishing a coordination and information-processing centre that would supply Mr. Blix and Mr. ElBaradei, in real time and in a coordinated way, with all the intelligence resources they might need. With the consent of the inspection teams’ leaders, the Council could define a demanding and realistic time frame for moving forward in the assessment and elimination of outstanding issues. That enhanced regime of inspections and monitoring could be complemented by having a permanent UN coordinator for disarmament stationed in Iraq and working under the authority of Mr. Blix and Mr. ElBaradei. Iraq had to cooperate actively, however; it had to comply immediately with the demands of UNMOVIC and IAEA. Before the inspectors’ next report, due on 14 February, Iraq would have to promote new elements. It was the Council’s moral and political duty first to devote all its energies to Iraq’s disarmament in peace and in compliance with the rule of law and justice.

Iraq stated that Mr. Powell’s pronouncements on Iraq’s possession of WMD were utterly unrelated to the reality on the ground. It noted that, in a 30 January statement to The New York Times, Mr. Blix had confirmed that the inspections did not support any of the scenarios alleged by Mr. Powell and he had recently said that UNMOVIC had found no proof of the presence of the mobile laboratories whose existence Mr. Powell alleged. Iraq reminded the Council that WMD programmes could not be easily hidden like an aspirin pill; inspectors had criss-crossed all of Iraq and found no evidence of them. It further referred to a recent statement by a United States official who reported complaints that United States Administration officials had exaggerated reports of WMD in Iraq and of Iraq’s presumed relationship with Al-Qaida in order to bolster their case for war.

Communications (10 February). On 10 February [S/2003/164], France, Germany and the Russian Federation transmitted to the Security Council President the text of a joint declaration issued by the three countries on the situation in Iraq, appealing to other Council members to support the declaration. The declaration stated that the common aim of the international community was to disarm Iraq. There was a debate over the means to achieve that. That debate had to continue in the spirit of friendship and respect that characterized the relations of the three countries with the United States. The inspections conducted by UNMOVIC and IAEA had already yielded results. Germany, France and Russia favoured the continuation of inspections and the substantial strengthening of their human and technical capabilities. There was still an alternative to war; the use of force could only be the last resort. It was up to Iraq to face up to its responsibilities in full and to cooperate actively with the inspections regime.

On the same day [S/2003/161], Iraq transmitted to the Secretary-General the text of a television interview with President Hussein by a British former Labour Member of Parliament, Tony Benn, which contained Iraq’s position with respect to the elimination of WMD. Among other things, President Hussein said that Iraq had no relationship with Al-Qaida. He also said that if the purpose of the inspectors was to make sure that Iraq was free of nuclear, chemical and biological weapons, they could do that, for those weapons were not aspirin tablets that a person could hide in his pocket. He repeated that Iraq was free of such weapons.

Security Council consideration (14 and 18-19 February). On 14 February [meeting 4707], the Security Council heard briefings from the UNMOVIC Executive Chairman, Mr. Blix, and the IAEA Director General, Mr. ElBaradei.

Mr. Blix said that through more than 400 inspections covering over 300 sites, UNMOVIC had obtained a good knowledge of the industrial and
scientific landscape of Iraq, as well as of its missile capabilities. However, as before, it did not know every cave and corner. Access to sites had been without problems, including to presidential sites and private residences. UNMOVIC had found no WMD nor any related proscribed items, only a small number of empty chemical munitions that should have been declared and destroyed. However, many proscribed weapons and items were not accounted for. UNMOVIC was aware that many governmental intelligence organizations were convinced that proscribed weapons continued to exist in Iraq. Governments had many sources of information that were not available to inspectors. For their part, inspectors had to base their reports only on evidence that they could themselves examine. The December 2002 declaration submitted by Iraq missed the opportunity to provide the fresh material and evidence needed to respond to the unresolved disarmament questions. That was perhaps the most important problem that the international community faced.

Mr. ElBaradei said that IAEA had conducted a total of 177 inspections at 125 locations. Iraq had continued to provide immediate access to all locations. IAEA had carried out, among other things, environmental sampling and radiation detection surveys. In addition, it continued to interview key Iraqi personnel. Iraq had provided further documentation on such issues as the importation of uranium and the attempted procurement of aluminium tubes, which IAEA continued to pursue. In the course of an inspection conducted in connection with the aluminium tube investigation, IAEA inspectors found a number of documents relevant to transactions aimed at the procurement of carbon fibre, a dual-use material used by Iraq in its past clandestine uranium enrichment programme for the manufacture of gas centrifuge rotors. A review of those documents suggested that the carbon fibre sought by Iraq was not intended for enrichment purposes, as the specifications of the material appeared not to be consistent with those needed for manufacturing rotor tubes. To date, IAEA had found no evidence of ongoing prohibited nuclear or non-nuclear activities in Iraq. However, a number of issues were still under investigation and the Agency was not yet in a position to reach a conclusion about them.

France said the option of inspections had not been exhausted and it could provide an effective response to the imperative of disarming Iraq. The use of force would have such heavy consequences for the people, the region and international stability that it should be envisaged only as the last resort. The reports presented by UNMOVIC and IAEA pointed out that the inspections were producing results. There were those who believed that continuing the inspection process would be a kind of delaying tactic aimed at preventing military intervention. That raised the question of the time allotted to Iraq, which was the centre of the debate. According to France, two options were available. The option of war could be seen, on the face of it, to be the swifter, though, after winning the war, peace had to be built. That process would be long and difficult, because it would be necessary to preserve Iraq’s unity and to restore stability in a lasting way in a country and a region harshly affected by the intrusion of force. In the light of that perspective, there was the alternative offered by inspections, which enabled the international community to move forward on the path of the peaceful disarmament of Iraq. As to the alleged links between Al-Qaida and the Iraqi regime, France’s research and information, gathered with other allies, could not establish those links. Moreover, there was a need to assess the impact that a disputed military action would have on that level. Such an intervention could deepen divisions among societies, among cultures, among peoples—divisions that could nurture terrorism.

The United States said that it was pleased that there had been improvements with respect to the inspection process, but noted that the inspectors still did not have the freedom of access around Iraq that they needed in order to do their job well. What was needed was not more inspections, nor more immediate access, but, instead, immediate, active, unconditional, full cooperation on the part of Iraq. What was needed was for Iraq to disarm. The United States had not seen the level of cooperation on the part of Iraq that was expected, anticipated and hoped for when resolution 1441(2002) was adopted. More inspections and a longer inspection period would not solve the central problem that the international community was facing. That central problem was that Iraq had failed to comply with resolution 1441(2002). The threat of force had to remain. Force should always be the last resort, but the international community could not allow the process to be endlessly strung out, as Iraq was trying to do.

Iraq stressed that it had chosen the path of peace and opted for solutions that would satisfy the international community. It was prepared to assist in making clear the true picture in order to avoid the objections of those who wished to start a war in Iraq.

The Security Council, in a closed meeting on the same day [meeting 4708], had a constructive ex-
change of views with the UNMOVIC Executive Chairman and the IAEA Director General.

At the request of South Africa, on behalf of the Non-Aligned Movement [S/2003/153], the Security Council, on 18 and 19 February, held an open debate on the situation in Iraq [meeting 4709]. The representative of the League of Arab States (LAS), at the request of the Syrian Arab Republic [S/2003/184], participated in the discussion without the right to vote. The Council had before it a 14 February letter from South Africa [S/2003/185], which informed the Council President that Iraq had accepted South Africa’s offer to send to Baghdad a team of government representatives, scientists, engineers and technicians who would share with Iraq their experience in disarmament and in how to eradicate WMD under international supervision based on the South African disarmament programme of the early 1990s.

Addressing the Council, South Africa said that the message that had emanated from the 14 February Council debate was that the inspection process in Iraq was working and that Iraq was showing clear signs of cooperating more proactively with the inspectors. Significantly, the inspectors had also had the opportunity to verify the accuracy of the information that had been provided by several countries. None of that information seemed to justify the abandonment of the inspection process and resorting to serious consequences. The Council had yet to utilize fully the inspection mechanisms of resolution 1441(2002) [YUN 2002, p. 292] that would make for more robust and intrusive inspections. South Africa urged the Council to explore fully practical options to enhance the inspection regime, such as the deployment of additional inspectors, surveillance aircraft and mobile customs teams. Although questions had been raised about how long the inspections should be allowed to continue in Iraq, South Africa recalled that there were no time limitations stipulated for inspections in resolution 1441(2002). As Mr. Blix had stated, the time frame would depend on which task one had in mind: the elimination of WMD and related items or monitoring to verify that new proscribed activities occurred. Mr. Blix pointed out that monitoring was essential and that it would remain an open-ended and ongoing process until the Council should decide otherwise. South Africa believed that the Council had to redouble its efforts to bring about a peaceful resolution to the situation in Iraq. The United Nations was an organization founded on the need to preserve peace and security. Its credibility and legitimacy could not be undermined by the Iraq issue.

Iraq said that the United States had transformed the issue of inspections from a technical and scientific one into a political one. The United States had requested Iraq to prove that it was free of the alleged WMD, although what had been originally requested was active cooperation with the inspectors. The launching of an attack by the United States and the United Kingdom against Iraq would be proof of the failure of the entire international system. Iraq reaffirmed its commitment to continuing full and active cooperation with UNMOVIC and IAEA.

LAS said that in order to preserve the peace in the Arab region and throughout the world, the international community should reject the option of war and give the inspectors sufficient time to achieve a peaceful settlement of the Iraqi question.

Greece, speaking on behalf of the European Union (EU), said that full and effective disarmament in Iraq should be achieved peacefully. Force should be used only as a last resort. It was for the Iraqi regime to end the crisis by complying with the Council’s demands. The EU added that although the UN inspectors should be given the time and resources that the Council believed they needed, inspections could not continue indefinitely in the absence of full Iraqi cooperation. The EU recognized that the unity of the international community, as expressed in resolution 1441(2002), and the military build-up had been essential in obtaining the return of the inspectors. The EU would work with Arab countries and LAS to bring home to Saddam Hussein the extreme danger of miscalculation of the situation and the need for full compliance with resolution 1441(2002).

Communications (19 February–6 March). On 19 February [S/2003/205], Iraq replied to the allegations made in the 5 February statement by the United States Secretary of State to the Security Council. Among other things, Iraq refuted allegations that it had biological weapons factories on wheels and on rails, stating that if the United States had such evidence, it would have submitted it to the inspectors and that UNMOVIC and IAEA were inspecting and monitoring all over Iraq but had found no evidence to confirm the authenticity of those allegations. As to the Jordanian Abu Musab al-Zarqawi, there was no evidence that he had entered Iraq over any border crossing either under his real name or using the aliases that the Jordanian side had indicated to Iraq. According to available information, it appeared that he was in the Al-Bayara region in the north of Iraq, which had not been under central authority since 1991. Terrorist elements were capable of entering and exiting many countries as they used false passports and names; no country could claim itself immune from their infiltration.
On 20 February [S/2003/207], the Libyan Arab Jamahiriya said that the Security Council or the United States should issue a text stating that if Iraq was in possession of WMD and turned them over to the inspectors, there would no longer be any grounds for military preparations. The Council should also adopt a resolution that called for the continuation of the inspectors’ work.

Also on 20 February [S/2003/208], El Salvador expressed concern at the failure of Iraq to comply with its clear disarmament obligations. It called on Iraq to cooperate with the inspectors without further delay.

On 24 February [S/2003/24], France, Germany and the Russian Federation transmitted to the Council President a joint memorandum on the situation in Iraq. The three countries said that, while suspicions remained, no evidence had been given that Iraq still possessed WMD or capabilities in that field. Inspections had just reached their full pace and were functioning without hindrance; they had already produced results. While not yet fully satisfactory, Iraqi cooperation was improving. The Council had to step up its efforts to give a real chance to the peaceful settlement of the crisis. In that context, the unity of the Council had to be preserved and the pressure on Iraq had to be increased. Those conditions could be reached through the implementation of the following proposals: a clear programme of action for the inspections; reinforced inspections; and timelines for inspections and assessment. UNMOVIC and IAEA had to submit their programme of work for approval by the Council in accordance with resolution 1284(1999) [YUN 1999, p. 230]. The key remaining tasks had to be defined according to their degree of priority. What was required of Iraq for implementation of each task had to be clearly defined and precise. Further measures to strengthen inspections could include an increase in and diversification of staff and expertise; establishment of mobile units designed in particular to check on trucks; completion of the new system of aerial surveillance; and systematic processing of data provided by that system. The implementation of the inspections programme should be sequenced according to a realistic and rigorous timeline. The inspectors should be asked to submit the programme of work outlining the key substantive tasks for Iraq to accomplish; Chief Inspectors should report to the Council on the implementation of the programme of work every three weeks; a report of UNMOVIC and IAEA assessing the progress made in completing the tasks should be submitted by the inspectors 120 days after the adoption of the programme of work; UNMOVIC and IAEA should report immediately to the Council if and when Iraq interfered with inspections activities; and, at any time, additional Council meetings could be decided, including at a high level. The three countries stressed that to render possible a peaceful solution, inspections should be given the necessary time and resources. However, Iraq had to disarm and cooperate actively with the inspections.

On 28 February [S/2003/238], China and the Russian Federation transmitted to the Secretary-General the texts of the joint communiqués of the Ministers for Foreign Affairs of the two countries (Beijing, 27 February) on the situation on the Korean peninsula and on the Iraq question. The sides favoured a resolution of the Iraqi crisis by political and diplomatic means within the framework of resolution 1441 (2002). They stated that the UN inspections had achieved definitive progress and should proceed further.

On 3 March [A/57/743-S/2003/247], Bahrain transmitted to the Secretary-General the Final Declaration of the summit-level fifteenth regular session of the LAS Council (Sharm el-Sheikh, Egypt, 1 March). LAS, among other things, emphasized its categorical rejection of a strike against Iraq or a threat to the security and integrity of any Arab country and underscored the need to resolve the Iraqi crisis peacefully, within the framework of international legitimacy. It also requested that the UN inspection teams be given sufficient time to complete their mission in Iraq. On the same day [S/2003/254], LAS transmitted to the Council President the texts of the resolutions of the fifteenth session of the LAS Council, including that on the Iraq crisis.

On 4 March [A/57/757-S/2003/329], Malaysia, as Chairman of the Coordinating Bureau of the Non-Aligned Movement, transmitted to the Secretary-General the statement concerning Iraq adopted at the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries (Kuala Lumpur, 20-25 February). The heads of State or Government said that war against Iraq would be devastating for the whole region and that it would have far-reaching political, economic and humanitarian consequences for all countries of the world, particularly the States in the region. They reaffirmed their commitment to the principle of non-use of force and called on Iraq to continue to comply with Council resolution 1441 (2002).

On 5 March [S/2003/253], France, Germany and the Russian Federation transmitted to the Council President the joint statement by the Ministers for Foreign Affairs of the three countries adopted in Paris that day. They reaffirmed that the disarmament of Iraq could be achieved by peaceful means and that the inspections were
producing encouraging results. They emphasized that the inspections should be speeded up, in keeping with the proposals set forth in their 24 February memorandum to the Council (see p. 329). Using that method, the inspectors should submit their work programme without delay, accompanied by regular progress reports to the Council. In those circumstances, the three countries noted that they would not allow a proposed resolution to be adopted that authorized the use of force.

On 6 March [A/57/748-S/2003/288], Qatar transmitted to the Secretary-General the text of a communique on Iraq, adopted at the second emergency session of the Islamic Summit (Doha, Qatar, 5 March). The Conference categorically rejected any strike against Iraq and emphasized the need to settle the Iraqi question by peaceful means within the framework of the United Nations. Also on 6 March [A/57/749-S/2003/289], Qatar transmitted to the Secretary-General the text of the statement made by the Emir of Qatar, Sheikh Hamad bin Khalifa Al-Thani, at that session.

Security Council consideration (7 and 11-12 March). At the request of Malaysia, on behalf of the Non-Aligned Movement [S/2003/216], the Security Council held an open meeting on 7 March, at which it heard briefings by UNMOVIC Executive Chairman Mr. Blix and by IAEA Director General Mr. ElBaradei [meeting 4714].

Presenting UNMOVIC’s February quarterly report [S/2003/292] (see p. 317), which described three months of inspections, Mr. Blix said that Iraq, which had a highly developed administrative system, should be able to provide more documentary evidence about its proscribed weapons programme. UNMOVIC had not found underground facilities for chemical or biological production or storage. However, it needed to increase its staff in Iraq both for the monitoring of ground transportation and for the inspection of underground facilities. Iraq had started to destroy missiles that were not within the permissible range set by the Council. That process constituted a substantial measure of disarmament, the first since the middle of the 1990s. As at 7 March, 34 missiles, including two combat warheads and one launcher, had been destroyed under UNMOVIC supervision. There was also a significant Iraqi effort under way to clarify a major source of uncertainty as to the quantities of biological and chemical weapons that were unilaterally destroyed in 1991. The Iraqi side had not persisted in attaching conditions to the inspections. However, while the numerous initiatives that were being taken by Iraq with a view to resolving some long-standing open disarmament issues could be seen as active or even proactive, those initiatives, three or four months since the adoption of resolution 1441(2002) [YUN 2002, p. 292], could not be said to constitute immediate cooperation, nor did they necessarily cover all areas of relevance. They were nevertheless welcome, and UNMOVIC was responding to them in the hope of solving outstanding disarmament issues. UNMOVIC was in the process of drafting its work programme (see p. 333), which, among other things, contained a list of key remaining disarmament tasks. Mr. Blix said that the verification and inspection process could not be instant. Even with a proactive Iraqi attitude, it would still take some time to verify sites and items, analyse documents, interview relevant persons and draw conclusions. It would not take years, or weeks, but months.

Mr. ElBaradei said that Iraq’s industrial capacity had deteriorated substantially since 1998, a fact of direct relevance to Iraq’s capability for resuming a nuclear weapons programme. In recent weeks, Iraq had provided a considerable amount of documentation pertaining to outstanding issues, including Iraq’s efforts to procure aluminium tubes, its attempted procurement of magnets and magnet-production capabilities and its reported attempt to import uranium. IAEA had concluded that Iraq’s efforts to import aluminium tubes were not likely to have been related to the manufacture of centrifuges and, moreover, it was highly unlikely that Iraq could have achieved the considerable redesign needed to use them in a revived centrifuge programme. IAEA experts had also verified that none of the magnets that Iraq had declared could be used directly for centrifuge magnetic bearings. IAEA would continue to monitor and inspect equipment and material that could be used to make magnets for enrichment centrifuges. With regard to allegations that Iraq had sought to buy uranium from the Niger in recent years, IAEA concluded, after a thorough investigation, that the documents provided by a number of States, which pointed to an agreement between Iraq and the Niger for the sale of uranium, were not authentic and thus the allegations were unfounded. In the area of nuclear weapons, there was no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as having been reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites. Also, there was no indication that Iraq had attempted to import uranium since 1990. After three months of intrusive inspections, IAEA had found no evidence or plausible indi-
cation of the revival of a nuclear-related programme in Iraq.

The United States said that, despite the progress that had been mentioned by Mr. Blix and Mr. ElBaradei, Iraq was still not cooperating. If Iraq genuinely wanted to disarm, the international community would not need to look for mobile biological units or require an extensive programme to search for underground facilities that were known to exist, nor should the inspectors have to search for evidence and proof. UNMOVIC and IAEA reports noted an acceleration of the inspection of WMD; however, they had not managed to detect any WMD. Iraq was not cooperating. It was not in favour of a new resolution, particularly one authorizing the use of force.

China believed that the Council should provide strong support and guidance to the two inspection bodies. It also urged Iraq to strengthen its cooperation. It was not in favour of a new resolution, particularly one authorizing the use of force.

The United States expressed pleasure that some missiles were being destroyed but added that evidence showed that the infrastructure to make more missiles remained within Iraq and had not been identified and destroyed. Iraq's intention to keep from turning over all of its WMD had not changed and, thus, it was not cooperating with the international community in the manner intended by resolution 1441(2002). Iraq still had the capability to manufacture chemical and biological weapons and still had tens of thousands of delivery systems, including UAVs. The United States believed that the draft resolution that had been circulated was appropriate and that the Council should soon vote on it.

The Russian Federation said that it had consistently sought to solve the Iraq problem on the basis of international law and of Council resolutions, which was the proper and reliable way. Progress had been achieved in implementing resolution 1441(2002) and Iraq’s level of cooperation with the inspectors was very different from the practice under UNSCOM. Russia was firmly in favour of continuing and strengthening inspection activities and of making them more focused.

France said that it was clear that the international community was moving towards the complete elimination of WMD programmes in Iraq. However, Iraq still had to provide information in a timely fashion, so that the inspectors could obtain the most precise knowledge possible about any existing inventories or programmes. There was a need to keep the pressure on Baghdad, while the American and British military presence in the region supported the collective resolve of the international community. That pressure had to be used to achieve the objective of disarmament through inspections. Those inspections could not go on indefinitely and the pace had to be stepped up. However, the military agenda could not dictate the calendar of inspections. France agreed to accelerated timetables, but could not accept an ultimatum as long as the inspectors were reporting progress in terms of cooperation; as that would mean war. To those who believed that war would be the quickest way to disarm Iraq, France replied that it would create divisions and cause wounds that would be long in healing. As a permanent member of the Security Council, France would not allow a resolution to be adopted that authorized the automatic use of force.

China believed that the Council should provide strong support and guidance to the two inspection bodies. It also urged Iraq to strengthen its cooperation. It was not in favour of a new resolution, particularly one authorizing the use of force.

The United Kingdom observed that no Council member had stated that Iraq was fully in compliance with resolution 1441(2002). Iraq had dragged its feet on as many elements of procedural and substantive cooperation as possible. It defied experience to believe that continuing inspections with no firm end date would achieve complete disarmament. The United Kingdom, on behalf of the sponsors of the draft resolution on Iraq (Spain, United Kingdom, United States), would ask the Secretariat to circulate an amendment, specifying a further period beyond the adoption of a resolution for Iraq to take the final opportunity to disarm and bring itself into compliance.

Iraq stated that a possible war of aggression against Iraq had become imminent, regardless of any decision by the Council. The United States and the United Kingdom continued to fabricate facts and evidence suggesting Iraq’s possession of WMD; however, they had not managed to convince the international community. Their claims were an attempt to mask their real agenda, which was a complete takeover of Iraq’s oil and the political and economic domination of the entire Arab region. The new draft resolution and the most recent amendment did not relate to disarmament; the aim was to drag the Council into taking action that would have detrimental consequences, not only for Iraq, but for the very credibility of the United Nations. War against Iraq would wreak destruction, but would not unearth any WMD as there were no such weapons.

At the request of Malaysia, on behalf of the Non-Aligned Movement [S/2005/293], the Council, on 11 and 12 March, held an open debate on the situation in Iraq [meeting 671]. LAS, at the request of the Syrian Arab Republic [S/2005/292] and the Organization of the Islamic Conference (OIC), at the request of the Sudan [S/2005/298], participated in the discussion without the right to vote.
Iraq said that Mr. Blix and Mr. ElBaradei had confirmed that inspections had not found any WMD or programmes to produce such weapons inside Iraqi territory. The allegations made by the United States Secretary of State on 5 February were refuted by the facts in the possession of the inspectors following four months of reinforced monitoring. Therefore, none of those allegations had proved to be true. Iraq reconfirmed its decision to rid itself of WMD and its readiness to cooperate with UNMOVIC.

Malaysia welcomed and supported all efforts exerted to avert war against Iraq and called for the persistent continuation of such efforts based on multilateral diplomacy, as opposed to unilateral actions.

Canada said that the division within the Security Council had drawn the focus of the world away from the issue of disarming Iraq and shifted it, instead, onto diplomatic competition, which served no one’s interests but Saddam Hussein’s. On 18 February, Canada had proposed a set of ideas to bridge that very destructive divide. It suggested that the key remaining disarmament tasks be established and prioritized by the weapons inspectors and that a deadline be established for Iraq to implement them. As Mr. Blix had noted, while cooperation by Iraq had to be immediate and proactive, disarmament and verification could not be instantaneous.

OIC said that the position opposed to war against Iraq enjoyed overwhelming popular support, as highlighted by the many rallies and demonstrations held in hundreds of cities throughout the world and as expressed in many recommendations made by governmental and intergovernmental organizations in many countries. OIC added that the use of military force against Iraq, at that particular moment, when Iraq was cooperating with the Council’s demands, was unjustified and represented an assault on the pan-Arab and Islamic world.

Communications (13-18 March). On 13 March [S/2003/311], South Africa said that the deliberations on Iraq would be enhanced if the Security Council received a draft work programme containing the key remaining disarmament tasks from the weapons inspectors.

On 15 March [S/2003/320], Germany transmitted to the Council President the joint declaration by the Ministers for Foreign Affairs of France, Germany and the Russian Federation, adopted on that day. The three countries reaffirmed that nothing justified abandoning the inspections process or resorting to force. Iraq’s disarmament had begun, and there was every reason to believe that it could be completed rapidly and in accordance with the rules set out by the Council. Iraq, for its part, had to cooperate actively and unconditionally. The three countries, supported by China, had submitted proposals for achieving disarmament in Iraq by defining key disarmament tasks and establishing a rigorous timetable. UNMOVIC’s programme of work was soon to be submitted to the Council (see p. 333). The three countries proposed that the Council meet at the ministerial level to approve key disarmament tasks and establish an implementation timetable that was both demanding and realistic. A peaceful approach was preferred by the Council and supported by the vast majority of the international community.

On 17 March [S/2003/347], the Russian Federation informed the Secretary-General that in connection with the meeting of the leaders of Portugal, Spain, the United Kingdom and the United States held in the Azores, Portugal, on the situation relating to Iraq (see below), it deemed it appropriate to confirm its support for a political settlement of the Iraq problem. The use of force against Iraq was without legal foundation.

By an 18 March letter to the Secretary-General and the Council President [S/2003/325], Iraq noted that the decision by the UN Secretariat to withdraw all UN staff from Iraq, such as in the case of UNIKOM, would make it easier for the United States to wage its aggression against Iraq.

Azores meeting

On 18 March [S/2003/335], Portugal, Spain, the United Kingdom and the United States transmitted to the Council President the texts of two statements adopted by the Atlantic Summit (Azores, 16 March) entitled “A vision for Iraq and the Iraqi people” and “Commitment to transatlantic solidarity”. The first statement said that for 12 years, Saddam Hussein had defied the international community. If he refused to cooperate fully with the United Nations, he brought on himself the serious consequences foreseen in resolution 1441 (2002). In those circumstances, the four countries would undertake a solemn obligation to help the Iraqi people build a new Iraq at peace with itself and its neighbours. The Iraqi people deserved to be lifted from the chains of tyranny and freed to determine for themselves the future of their country. The statement also said that the four countries would work to prevent and repair damage done by Hussein’s regime to the natural resources of Iraq and pledged to protect them. All Iraqis should share the wealth generated by their national economy. The four countries would seek a swift end to international sanctions and support an international reconstruction programme. They would also fight terrorism in all its forms and Iraq should never
On 19 March [meeting 4721], the Council was called to consider the emergency of the humanitarian situation there. The Council was told that the needs of the Iraqi people continued to be met through the oil-for-food programme. Any military presence, should it be necessary, would be temporary and intended to promote security and the elimination of WMD. They would not allow differences of the moment to be exploited in ways that brought no solutions.

Military conflict and occupation

On 20 March, coalition forces, led by the United States, commenced military action against Iraq.

Earlier, on 18 March [S/2003/337], the Security Council, taking note of the Secretary-General’s decision to suspend, for security reasons, the work of the UN humanitarian personnel in Iraq, stood ready to consider as soon as possible the work of the UN humanitarian aid and the conditions for the reconstruction of Iraq.

The statement on the commitment to transatlantic solidarity stressed that the four countries would bring and overcome terrorism and the spread of WMD. They would not allow differences of the moment to be exploited in ways that brought no solutions.

An IAEA representative informed the Council that the IAEA Director General had also transmitted the Agency’s work programme, which was self-explanatory.

Germany said that the world was facing an imminent war in Iraq and the Security Council could not remain silent in that situation. The developments of the last few hours had brought the work of the United Nations on the ground to a standstill and those developments were cause for the deepest concern. Mr. Blix’s work programme provided clear and convincing guidelines on how to disarm Iraq peacefully within a short space of time and showed that peaceful means had not been exhausted. Germany emphatically rejected the impending war.

France said the Council was meeting just a few hours before the commencement of hostilities. The choice before the Council was between two visions of the world: on one side stood those who thought that they could resolve the world’s complexity through swift preventive action, while on the other side stood those who chose resolute action and a long-term approach. In order to ensure collective security, there was a need to take into account the manifold crises and their dimensions, including the cultural and religious ones. France said that the Iraqi problem had allowed the Council to craft an instrument, through the inspection regime, that was unprecedented and could serve as an example. On that basis, an innovative, permanent disarmament body could be established under UN aegis. It also said that an outbreak of force in an unstable area, such as Iraq, could only exacerbate the tensions and fractures on which terrorism fed. However, over and above the differences among countries, there was a need to restore the unity of the international community and to start preparing for the required humanitarian assistance in Iraq. The Secretary-General had already started to mobilize the various UN agencies. France would take part in the collective effort to assist the Iraqi people. Next, it would be necessary to build peace; no
single country had the means to build Iraq’s future and, above all, no State could claim the necessary legitimacy. The legal and moral authority for such an undertaking could stem only from the United Nations. Two principles had to guide the Council’s action: respect for the unity and territorial integrity of Iraq and the preservation of its sovereignty. Similarly, it would be up to the United Nations to establish a framework for Iraq’s economic reconstruction.

The United States said that, regrettably, the Council’s discussion on UNMOVIC’s work programme was incompatible with Iraq’s non-compliance with resolution 1441 (2002) [YUN 2002, p. 292] and the current reality on the ground. No realistic programme of work or outline of key unresolved issues could be developed pursuant to resolution 1284 (1999) [YUN 1999, p. 230] while Iraq failed to cooperate fully, actively and unconditionally, nor could it be developed in the absence of sound information on Iraqi programmes since 1998. Considering a work programme at that particular time was out of touch with the reality that was confronting the international community, as the situation on the ground would change and so would the nature of the remaining disarmament tasks. That said, however, the United States did not exclude the possibility that it may prove useful to return to those documents at some time in the future. In the meantime, the Council would face new challenges related to the future of Iraq. The United States shared the concern for meeting the humanitarian needs of the Iraqi people. Towards that end, it was fielding the Disaster Assistance Response Team, composed of United States civilian humanitarian experts, to the region to assess needs, to liaise with partners and to provide in-field grant-making capacity. It had also pre-positioned millions of dollars worth of food rationing and relief supplies. In addition, the United States had contributed over $60 million to more than a dozen different UN agencies. In recognizing the importance of the oil-for-food programme in order to meet the humanitarian needs of the Iraqi people, the United States was preparing to present in the near future a draft humanitarian resolution that would ensure the continuity of the programme.

The Secretary-General expressed regret that it had not been possible to reach a common position. Whatever the differing views on the Iraqi issue, it was a sad day for the United Nations and the international community; millions of people around the world shared that sense of disappointment and were deeply alarmed by the prospect of imminent war. The plight of the Iraqi people was the Secretary-General’s immediate concern. Over the preceding 20 years, Iraqis had been through two major wars, internal uprisings and conflict, and more than a decade of debilitating sanctions. In the short term, the conflict that was clearly about to start could make the situation much worse. Under international law, the responsibility for protecting civilians in conflict fell on the belligerents. In any area under military occupation, responsibility for the welfare of the population fell on the occupying Power. Without in any way assuming or diminishing that ultimate responsibility, the United Nations would do whatever it could to help. The UN humanitarian agencies had for some time been engaged in preparing for that contingency. The United Nations had done its best to assess the possible effects of war, in terms of population displacement and human need, and to position its personnel and equipment accordingly. Of the $123.5 million requested by the United Nations for those preparations, only $45 million had been pledged and only $34 million had been received. The United Nations had also examined the situation caused by the suspension of the activities of the oil-for-food programme and ways that the programme could be adjusted to enable the United Nations to continue providing humanitarian assistance to the Iraqi people during and after hostilities. Such adjustments would require decisions by the Security Council. The Secretary-General expressed the hope that the effort to relieve the suffering of the Iraqi people and to rehabilitate their society after war, in terms of population displacement and human need, and to position its personnel and equipment accordingly. The United Nations had also examined the situation caused by the suspension of the activities of the oil-for-food programme and ways that the programme could be adjusted to enable the United Nations to continue providing humanitarian assistance to the Iraqi people during and after hostilities. Such adjustments would require decisions by the Security Council. The Secretary-General expressed the hope that the effort to relieve the suffering of the Iraqi people and to rehabilitate their society after war could be rebuilt.

Communications (19-26 March). By a 19 March letter [S/2003/343], the Emir of Qatar, as Chairman of the Ninth Islamic Summit Conference, reaffirmed that the diplomatic and peaceful efforts being made with a view to the elimination of WMD had to be given a chance and rejected the principle of war against Iraq.

Also on 19 March [A/58/68-S/2003/357], Malaysia transmitted to the Secretary-General the statement made that day by the Troika of the Non-Aligned Movement (Cuba, Malaysia, South Africa) on the developments concerning Iraq. The Troika viewed the imminent unilateral military action by the United States and its allies as an illegitimate act of aggression.

On 20 March, in three similar letters to the Council President, Australia [S/2003/352], the United Kingdom [S/2003/350] and the United States [S/2003/351] said that their respective armed forces had engaged in military action in Iraq on that day. The action followed a long history of non-cooperation by Iraq with the United Nations and numerous findings by the Security Council.
that Iraq had failed to comply with its disarmament obligations. In its resolution 1441 (2002) [YUN 2002, p. 292], the Council recognized that Iraq’s possession of WMD constituted a threat to international peace and security, that Iraq had failed to disarm and that in consequence Iraq was in material breach of the conditions for the cease-fire at the end of hostilities in 1991 laid down by the Council in resolution 687 (1991) [YUN 1991, p. 172]. Military action was undertaken only when it became apparent that there was no other way of achieving compliance by Iraq.

On 20 March [S/2003/548], Russia said that the military action against Iraq was taking place in defiance of world public opinion and in violation of the principles and norms of the UN Charter and international law. Nothing could justify that military action—neither accusations that Iraq was supporting international terrorism, nor the desire to change the political regime in that country, which was in direct contradiction of international law. Political regimes could be determined only by the citizens of the State in question. Iraq posed no threat either to neighbouring States or to other countries or regions of the world, because, especially after a 10-year blockade, it was a weak country, both militarily and economically. It was even less of a danger because international inspectors were working there. Russia called for the early termination of military action and expressed its conviction that military operations would be halted as soon as possible and stressed its rejection of any violation of Iraq’s territorial integrity.

Security Council consideration (26-27 March). At the request of Iraq, on behalf of LAS, with the reservation of Kuwait [S/2003/362], and Malaysia, on behalf of the Non-Aligned Movement [S/2003/363], the Council, on 26 and 27 March, held an open meeting on the situation in Iraq [meeting 4726]. LAS, at the request of the Syrian Arab Republic [S/2003/370], OIC, at the request of the Sudan [S/2003/371], and the Permanent Observer of Palestine, at his own request [S/2003/372], participated in the discussion without the right to vote.

The Secretary-General said that the Council, which had had Iraq on its agenda for 12 years, had to rediscover its unity of purpose. The war had to be brought to an end as soon as possible, but, while it continued, it was essential to protect the civilian population, the wounded and the prisoners of war, on both sides, and to bring relief to the victims. That obligation was binding on all the belligerents. The Geneva Conventions and all other instruments of international humanitarian law had to be respected. In particular, the 1949 Fourth Geneva Convention, under which those in effective control of any territory were responsible for meeting the humanitarian needs of its population and were required to maintain dialogue and cooperation with international organizations engaged in humanitarian relief, had to be scrupulously respected. The oil-for-food programme had been halted, with a value of some $2.4 billion in supplies, mainly food, in the pipeline. The Council needed to determine how it would adjust the programme to make it possible for those supplies to reach the Iraqi people and to ensure that food, medicine and other essential life-sustaining supplies continued to be provided. The humanitarian effort required in the coming weeks and months was going to be very costly. The United Nations was about to
launch a flash appeal to donors, and he urged Member States to respond swiftly and generously. The Council had to determine how it would address the many needs of the Iraqi people, whatever the outcome of the war, and what the United Nations itself might be asked to undertake. A Council mandate was needed for anything beyond strictly humanitarian relief. The Secretary-General said that in the last few months the peoples of the world had showed how much they expected of the United Nations, and of the Security Council in particular. Many of them were bitterly disappointed. Their faith in the United Nations could be restored only if the Council was able to identify and work constructively towards specific goals. He urged the five permanent members, in particular, to show leadership by making a concerted effort to overcome their differences. For his part, the Secretary-General emphasized two guiding principles on which he believed there was no disagreement, and which should guide all the Council’s efforts and future decisions on Iraq. The first principle was respect for Iraq’s sovereignty, territorial integrity and independence, and the second was respect for the right of the Iraqi people to determine their own political future and control their own natural resources. The Secretary-General appealed to all Member States to begin healing divisions so that the Council could recover its rightful role as the body with primary responsibility for the maintenance of international peace and security.

Iraq said that the American-British full-scale military aggression commenced at dawn on 20 March. The goal of the aggression was the occupation of Iraq and the change of its political regime. The Iraqi armed forces and armed civilian units were fighting fierce battles against that aggression. The international community was well aware that the Council had not authorized the use of force. Both the United States and the United Kingdom confirmed, when resolution 1441(2002) was adopted [YUN 2002, p. 292], that it did not contain a hidden agenda, trigger or automatic use of force. Nevertheless, despite the opposition to war of the majority of Council members, those two countries launched a war against Iraq.

The United Kingdom said that it was aware that Member States, perhaps without exception, found the situation in Iraq deeply disappointing and distasteful, but they could not set aside the universally available evidence that Iraq was repeatedly defying the United Nations in refusing to complete disarmament of its WMD under the terms of successive resolutions. Resolution 1441(2002) was adopted unanimously but not implemented with any rigour by a united Council. Coalition action was therefore under way to enforce Council decisions on complete Iraqi disarmament. Military action was both legitimate and multilateral, as it was authorized under resolutions 678(1990) [YUN 1990, p. 204], 687(1991) [YUN 1991, p. 172] and 1441(2002). A broad coalition of well over 40 States was supporting the action materially or politically. The United Kingdom regretted the differences within the Council that had marked the past few months of discussions on that subject. The time had come to put those aside and to unite to ensure that the United Nations and the international community could act quickly to meet the needs of the Iraqi people during and after military action. The first priority was to ensure that the changing realities on the ground were reflected in the operation of the oil-for-food programme, on which 60 per cent of Iraqis remained dependent. Progress had been made within the Council on a draft resolution that would amend the programme. It was hoped that the outstanding issues could be resolved rapidly so that the Secretary-General could have the necessary authority to maximize the UN role in delivering humanitarian relief. Looking further ahead, there was a need to consider the role that the United Nations could play in building a stable and prosperous Iraq. The United Kingdom was convinced that the United Nations had to take a central role in the future of that country.

Communication (28 March). On 28 March [S/2003/391], Iran informed the Secretary-General that its airspace had been violated and that its territory had been hit by the belligerents in the war against Iraq.

Special Adviser

On 7 April [SG/SM/8660-IK/343], the Secretary-General met with members of the Security Council to inform them that he had appointed Rafeeuddin Ahmed as his Special Adviser on Iraq. Mr. Ahmed would consider possible UN roles in post-war Iraq and their legal, political, operational and resource implications. Any role beyond the coordination of humanitarian activities in Iraq, and other activities mandated by existing resolutions, would first require a new mandate from the Council. The Council members welcomed Mr. Ahmed’s appointment.

Iraqi initiatives

On 15 April, near the town of Nasiriyah, up to 100 Iraqis representing every part of the country met to discuss Iraq’s future and how best to chart a course towards a democratic representative government. United States officials and coalition representatives also attended. At the end of the
session, the Iraqi participants approved a final statement proposing 13 principles for a future Iraqi government. The principles, among other things, stressed that Iraq had to be democratic; the future government should not be based on communal identity; a future government had to be organized as a democratic federal system, but on the basis of countrywide consultation; the rule of law had to be paramount; the Baath party had to be dissolved; and political violence had to be rejected. Moreover, as implementation of resolution 1472(2003) of 28 March on the use of oil-for-food funds to provide aid (see p. 365) continued, the Office of the Iraq Programme and UN agen-

promoting accountability for crimes committed by the previous Iraqi regime; and assuming immediate control of Iraqi institutions responsible for military and security matters. The Coalition was facilitating the efforts of the Iraqi people to take the first steps towards forming a representative government, based on the rule of law, that afforded fundamental freedoms and equal protection and justice to the Iraqi people without regard to ethnicity, religion or gender. According to the Coalition, the United Nations had a vital role to play in providing humanitarian relief, in supporting the reconstruction of Iraq and in helping in the formation of an Iraqi interim authority.

Security Council note (5 May). On 5 May [S/2003/524], the Council President circulated a note from the Holy See containing a Statement of Patriarchs and Bishops of Iraq, issued on 29 April. The Statement, among other things, asked that the new Iraqi constitution recognize Christians’ religious, social and political rights and envision a legal statute in which each person would be considered according to his or her capacities, without discrimination.

Coalition Provisional Authority

On 8 May [S/2003/538], the United Kingdom and the United States informed the Council President that they continued to act together to ensure the complete disarmament of Iraq of WMD and means of delivery. The Coalition States would abide by their obligations under international law and would ensure that Iraq’s oil was protected and used for the benefit of the Iraqi people. In order to meet those objectives and obligations in the post-conflict period, the Coalition, acting under existing command and control arrangements through the Commander of Coalition Forces, had created the Coalition Provisional Authority (the Authority), which included the Office of Reconstruction and Humanitarian Assistance, to exercise powers of government temporarily and, as necessary, to provide security, to allow the delivery of humanitarian aid and to eliminate WMD. The Coalition partners, working through the Authority, would, among other things, provide for security in and for the provisional administration of Iraq by deterring hostilities; maintaining Iraq’s territorial integrity and securing its borders; eliminating all of Iraq’s WMD; facilitating the orderly and voluntary return of refugees and displaced persons; maintaining civil law and order; eliminating all terrorist infrastructure and resources within Iraq; supporting and coordinating demining activities;

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cies had confirmed that nearly $1 billion worth of priority humanitarian supplies could be shipped by 3 June. As UN agencies continued to expand their presence in Iraq, they were conducting comprehensive assessments that would enable the UN system to re-prioritize its response plans. Based on those new assessments, the United Nations would be launching a revised humanitarian appeal in the second half of June.

**Lifting of economic sanctions**

On 22 May [meeting 4768], the Security Council adopted resolution **1483(2003)** by vote (14-0). The draft [S/2003/556] was submitted by Spain, the United Kingdom and the United States. The Syrian Arab Republic, which did not participate in the voting, later explained that it would have voted in favour of the resolution had it been granted additional time before the vote, as it had requested on more than one occasion. Syria provided a further explanation to the Council President in writing [S/2003/557].

The Security Council,
Recalling all its relevant resolutions,
Reaffirming the sovereignty and territorial integrity of Iraq,
Reaffirming also the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,
Stressing the right of the Iraqi people freely to determine their own political future and to control their own natural resources, welcoming the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and expressing resolve that the day when Iraqis govern themselves must come quickly,
Encouraging efforts by the people of Iraq to form a representative Government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion or gender, and, in this connection, recalling resolution 1294(2000) of 31 October 2000,
Welcoming the first steps of the Iraqi people in this regard, and noting in this connection the Nasiriya statement of 15 April 2003 and the Baghdad statement of 28 April 2003,
Resolved that the United Nations should play a vital role in humanitarian relief, in the reconstruction of Iraq and in the restoration and establishment of national and local institutions for representative governance,
Taking note of the statement made on 12 April 2003 by the Finance Ministers and Central Bank Governors of the Group of Seven Industrialized Nations in which they recognized the need for a multilateral effort to help to rebuild and develop Iraq and the need for assistance from the International Monetary Fund and the World Bank in these efforts,
Welcoming the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,
Welcoming also the appointment by the Secretary-General of his Special Adviser on Iraq,
Affirming the need for accountability for crimes and atrocities committed by the previous Iraqi regime,
Stressing the need for respect for the archaeological, historical, cultural and religious heritage of Iraq and for the continued protection of archaeological, historical, cultural and religious sites, as well as museums, libraries and monuments,
Noting the letter dated 8 May 2003 from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council, and recognizing the specific authorities, responsibilities and obligations under applicable international law of these States as occupying Powers under unified command ("the Authority"),
Noting also that other States that are not occupying Powers are working now, or in the future may work, under the Authority,
Welcoming the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment and other resources under the Authority,
Noting that many Kuwaitis and third-State nationals have not been accounted for since 2 August 1990,
Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,
Acting under Chapter VII of the Charter of the United Nations,
1. **Appeals** to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with the present resolution;
2. **Calls upon** all Member States in a position to do so to respond immediately to the humanitarian appeals of the United Nations and other international organizations for Iraq and to help to meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq’s economic infrastructure;
3. **Appeals** to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;
4. **Calls upon** the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;
5. **Calls upon** all concerned to comply fully with their obligations under international law, in particular the Geneva Conventions of 1949 and the Regulations concerning the Laws and Customs of War on Land, adopted at The Hague on 18 October 1907;
6. **Calls upon** the Authority and relevant organizations and individuals to continue efforts to locate, identify and repatriate all Kuwaiti and third-State nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the
previous Iraqi regime failed to undertake, and in this regard directs the High-Level Coordinator, in consultation with the International Committee of the Red Cross and the Tripartite Commission, and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfill his mandate with respect to the fate of Kuwaiti and third-State national missing persons and property;

7. Decides that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance, illegally removed from the Iraq National Museum, the National Library and other locations in Iraq since the adoption, in June 1990, of resolution 661(1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and calls upon the United Nations Educational, Scientific and Cultural Organization, Interpol and other international organizations, as appropriate, to assist in the implementation of the present paragraph;

8. Requests the Secretary-General to appoint a Special Representative for Iraq, whose independent responsibilities shall involve reporting regularly to the Council on his activities pursuant to the present resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq and, in coordination with the Authority, assisting the people of Iraq through:

(a) Coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;

(b) Promoting the safe, orderly and voluntary return of refugees and displaced persons;

(c) Working intensively with the Authority, the people of Iraq and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative Government of Iraq;

(d) Facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;

(e) Promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors and the international financial institutions;

(f) Encouraging international efforts to contribute to basic social administration functions;

(g) Promoting the protection of human rights;

(h) Encouraging international efforts to rebuild the capacity of the Iraqi civilian police force;

(i) Encouraging international efforts to promote legal and judicial reform;

9. Supports the formation, by the people of Iraq with the help of the Authority and working with the Special Representative of the Secretary-General, of an Iraqi interim administration as a transitional administration run by Iraqis until an internationally recognized, representative Government is established by the people of Iraq and assumes the responsibilities of the Authority;

10. Decides that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related material other than those arms and related material required by the Authority to serve the purposes of the present and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established pursuant to resolution 661(1990) and subsequent relevant resolutions, including resolution 778(1992) of 2 October 1992, shall no longer apply;


12. Notes the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq, and looks forward to the early meeting of that Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development and of the President of the World Bank;

13. Notes also that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

14. Underlines the fact that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for economic reconstruction and the repair of Iraq’s infrastructure, for the continued disarmament of Iraq, for the costs of Iraqi civilian administration and for other purposes benefiting the people of Iraq;

15. Calls upon the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and welcomes the readiness of creditors, including those of the Paris Club, to seek a solution to the sovereign debt problems of Iraq;

16. Requests that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities pursuant to Council resolutions 1722 (2003) of 28 March 2003 and 1767(2003) of 24 April 2003, for a period of six months following the adoption of the present resolution, and terminate within this time period, in the most cost-effective manner, the ongoing operations of the “Oil-for-Food” Programme (the Programme), both at Headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:
(a) To facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretariat-General and representatives designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4 (d) of resolution 1472(993);

(b) To review, in the light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit. Until an internationally recognized, representative Government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;

(c) To provide to the Council within 21 days following the adoption of the present resolution, for the review and consideration of the Council, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8 (d) of resolution 986(1995) of 14 April 1995, identifying:

(i) All known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

(ii) All known and projected costs associated with termination of the Programme;

(iii) All known and projected costs associated with restoring funds of the Government of Iraq that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778(1992); and

(iv) All known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six-month period defined above, following which these costs shall be borne by the United Nations;

(d) To consolidate into a single fund the accounts established pursuant to paragraphs 8 (a) and (b) of resolution 986(1995);

(e) To fulfill all remaining obligations related to the termination of the Programme, including negotiating, in the most cost-effective manner, any necessary settlement payments, which shall be made from the escrow accounts established pursuant to paragraphs 8 (a) and (b) of resolution 986(1995), with those parties that have previously entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related agencies under the accounts established pursuant to paragraphs 8 (b) and (d) of resolution 986(1995);

(f) To provide the Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;

17. Requests also that the Secretary-General transfer as soon as possible to the Development Fund for Iraq one billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and (b) of resolution 986(1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778(1992), and decide that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), (b), (d) and (f) of resolution 986(1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;

18. Decides to terminate, effective on the adoption of the present resolution, the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. Decides also to terminate the Security Council Committee established pursuant to paragraph 6 of resolution 661(1990) at the conclusion of the six-month period called for in paragraph 16 above, and decides further that the Committee shall identify individuals and entities referred to in paragraph 23 below;

20. Decides further that all export sales of petroleum, petroleum products and natural gas from Iraq following the date of adoption of the present resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative Government of Iraq is properly constituted;

21. Decides that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established pursuant to resolution 687(1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative Government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding upon a properly constituted, internationally recognized, representative Government of Iraq and any successor thereto;

22. Notes the relevance of the establishment of an internationally recognized, representative Government of Iraq and the desirability of prompt completion of...
the restructuring of Iraq’s debt as referred to in paragraph 15 above, decides that, until 31 December 2007, unless the Council decides otherwise, petroleum, petroleum products and natural gas originating in Iraq shall be immune, until it passes to the initial purchaser, from legal proceedings against them and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of the present resolution;

23. Decides that all Member States in which there are:

(a) Funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of adoption of the present resolution; or

(b) Funds or other financial assets or economic resources that have been removed from Iraq or acquired by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative Government of Iraq; and decides also that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22 above;

24. Requests the Secretary-General to report to the Council at regular intervals on the work of his Special Representative with respect to the implementation of the present resolution and on the work of the International Advisory and Monitoring Board, and encourages the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts pursuant to the present resolution;

25. Decides to review the implementation of the present resolution within twelve months of the adoption thereof and to consider further steps that might be necessary;

26. Calls upon Member States and international and regional organizations to contribute to the implementation of the present resolution;

27. Decides to remain seized of this matter.

Speaking after the vote, the United States said that the lifting of sanctions marked a momentous event for the people of Iraq. The United Nations was to play a vital role in rebuilding Iraq. By recognizing the fluidity of the political situation and that decisions would be made on the ground, the Council had provided a flexible framework under Chapter VII for the Authority, Member States, the United Nations and others in the international community to participate in the administration and reconstruction of Iraq. The resolution affirmed the commitment to the development of an internationally recognized representative Iraqi Government and created a robust mandate for the Secretary-General’s Special Representative. The resolution also established a framework for an orderly phase-out of the oil-for-food programme, thereby preserving, for a transitional period, what had become a safety net for the Iraqi people. In addition, it established transparency in all processes and UN participation in monitoring the sale of Iraqi oil resources and expenditures of oil proceeds. In that context, the United States was pleased to announce the creation of the Development Fund for Iraq in the Central Bank of Iraq. The Authority would disburse funds only for the purposes it determined to benefit the Iraqi people. The resolution lifted export restrictions to Iraq, with the exception of trade in arms and related materiel not required by the Authority. Aviation restrictions were also lifted, but Iraq’s disarmament obligations remained, and Member States were still barred from assisting Iraq in acquiring WMD and proscribed missile systems or proceeding with civil nuclear activities so long as those restrictions remained in effect. The resolution provided Iraq with adequate time to recover capacity eroded during the sanctions years, yet it preserved its obligations to Kuwait and others who suffered from Saddam Hussein’s aggression dating from 1990. It addressed Iraq’s sovereign debt, the violations of human rights and international humanitarian law by the previous regime. It also directed Member States to act quickly to seize and return to the Iraqi people money stolen by the Hussein regime.

The Secretary-General said that the international community should be gratified that the Council had come together to chart the way forward in Iraq. The Council had adopted a resolution that spelled out the assistance it expected the United Nations to give to the people of Iraq in coordination with the occupying Powers, which had
the responsibility for the effective administration of the territory. The most important task would be to ensure that the Iraqi people were able as soon as possible, through a transparent and impartially managed political process, to form a free and representative Government of their own choice. The Secretary-General would nominate his Special Representative without delay (see below).

Special Representative

On 23 May [S/2003/570], the Secretary-General informed the Security Council President of his intention to appoint as his Special Representative for Iraq, for a period of four months, Sergio Vieira de Mello (Brazil), the UN High Commissioner for Human Rights.

On 27 May [S/2003/571], the Council took note of the Secretary-General’s intention.

Communication (3 June). On 3 June [S/2003/424], Iran transmitted to the Secretary-General the Joint Declaration on the regional initiative regarding Iraq, issued by Iraq’s neighbouring countries during the thirtieth session of the Islamic Conference of Foreign Ministers (Tehran, 28-30 May). The Foreign Ministers of Bahrain, Egypt, Iran, Jordan, Kuwait, Saudi Arabia, the Syrian Arab Republic and Turkey reiterated the right of the Iraqi people to freely determine their political future and to establish a fully representative and broad-based Government in a safe and peaceful environment. They also emphasized the inalienable right of the Iraqi people to enjoy a decent and comfortable life based on the rule of law, equality and respect for fundamental human rights and freedoms. They underlined the central role of the United Nations in post-war Iraq, especially with regard to the establishment of a representative Government, rehabilitation of local institutions, provision of humanitarian relief and reconstruction, and called for the speedy restoration of full Iraqi sovereignty through the establishment of a legitimate Government and an end to occupation.

Security Council consideration (5 June). On 5 June [meeting 4768], the Council was briefed by the UNMOVIC Executive Chairman, Mr. Blix, on UNMOVIC’s report covering 1 March to 31 May [S/2003/580] (see p. 317). He said that for many years neither UNSCOM nor UNMOVIC made significant finds of proscribed weapons, probably because the items were unilaterally destroyed by the Iraqi authorities or else because they were effectively concealed by them. He trusted that in the new environment in Iraq, in which there was full access and cooperation, and in which knowledgeable witnesses should no longer be inhibited from revealing what they knew, it should be possible to establish the truth about those weapons. In resolution 1483(2003) (see p. 338), the Council declared its intention to revisit the mandate of UNMOVIC, and it was aware that UNMOVIC remained ready to resume work in Iraq as an independent verifier or to conduct long-term monitoring, should the Council so decide. Mr. Blix said that his briefing was likely to be his last one and he thanked the Secretary-General and the UN Secretariat for the cooperation they had provided since the creation of UNMOVIC.

The Council President took note of Mr. Blix’s intention to retire from his post at the end of June and expressed the Council’s gratitude to him for his service.

Communication (10 June). On 10 June [A/58/94-S/2003/642], the Russian Federation transmitted to the Secretary-General the text of the Declaration by the heads of State of the members of the Shanghai Cooperation Organization (Moscow, 29 May) (China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Uzbekistan). The Declaration, among other things, noted that the United Nations should have an important role to play in the reconstruction of Iraq. A precondition for that country’s transition to peace and the building of a democratic society was respect for the national interests and sovereign rights of the Iraqi people and concrete and effective aid on the part of the international community.

Report of Secretary-General (July). In response to resolution 1483(2003), the Secretary-General submitted a 17 July report [S/2003/715] on the work of his Special Representative with respect to the implementation of that resolution, provided an initial assessment of the scope of the challenges involved in implementing the mandate conferred by the resolution and recommended an overall approach and structure for the UN presence in Iraq for the remainder of 2003, taking into account the Council’s request to terminate the oil-for-food programme in November 2003.

The Secretary-General’s Special Representative, Sergio Vieira de Mello, arrived in Baghdad on 2 June and embarked on broad consultations to define the UN role. He had brought Iraqi and Authority representatives together with the United Nations to discuss issues such as the rule of law, past human rights violations and the constitutional process. Contacts had also been initiated with representatives of the diplomatic community in Baghdad and visiting parliamentary delegations. Several common themes ran through the discussions that the Special Representative had with Iraqis of different backgrounds. There was an overwhelming demand for the early resto-
ration of sovereignty and the message was conveyed that democracy could not be imposed from outside. Serious concern was expressed about the process of de-Ba’athification and the dissolution of the Iraqi army. Above all, the Special Representative’s contacts expressed deep concern about the precarious, some believed deteriorating, security situation, particularly in Baghdad. Many Iraqis lodged criticism about aspects of the past UN record in Iraq, but they also expressed appreciation for UN humanitarian efforts and stressed the need for the Organization to play an active role, not least in facilitating and supporting the political transition process.

The Special Representative had made efforts to meet with many Iraqi political groups, both the newly emerging and those well established. Their unanimous concern was the urgent need to establish an Iraqi provisional government that could help address some of the immediate practical challenges faced in the country. Iraqis emphasized that they themselves had to conduct the constitutional process and that an Iraqi interim authority should be in place before such a process began. The Special Representative strongly advocated that the Authority devolve real executive authority to a broadly representative and self-selecting Iraqi leadership, including in policy- and decision-making, and in the preparation and execution of a budget. That advice was favourably received by the Authority and, on 13 July, it established the Governing Council, the principal body of the interim administration of Iraq, a move that was welcomed by the Secretary-General. The 25-member Council, which included three women, had a slight Shi’ah majority and an equal representation of Kurds and Sunnis, with additional Christian and Turkmen representation. The Council would name an interim minister for each ministry and would have the right to set policies and take decisions, in cooperation with the Authority, and to designate international representation during the interim period. The Council would also consider appointing a preparatory constitutional commission to recommend a process by which a new constitution would be prepared and approved. According to the Authority, the full restoration of sovereignty would come after the drafting of a new constitution and the holding of national elections. The Special Representative had proposed that voter registration be in the near future to demonstrate that tangible steps were being taken to pave the way for elections. To that end, the Secretary-General had instructed the Electoral Assistance Division of the UN Department of Political Affairs to send an assessment mission to Iraq to discuss with relevant Iraqi and Authority counter-parties the various possible modalities for electoral registration and the electoral process. The Secretary-General said that the United Nations could make a significant contribution in the constitutional and electoral processes, as its involvement would confer legitimacy and place at the disposal of the Iraqi people the wealth of experience accrued by the United Nations in those fields over the years.

Lack of security and restricted freedom of movement had affected UN activities, particularly humanitarian work, and had the potential to impair reconstruction planning. The work of the UN humanitarian agencies was further impeded by the massive presence of explosive ordnance, mines and unexploded ordnance. So far, UN personnel had seldom been the target of deliberate hostility, with the exception of one incident in the city of Basra on 17 June when a crowd trapped two UN vehicles, apparently not distinguishing the United Nations from the Authority. Both vehicles were eventually released. Shots were fired outside the UN compound at the Canal Hotel in Baghdad on 29 June, causing Coalition forces to go into high alert. On 6 July, a World Food Programme (WFP) office in Mosul and later an empty WFP vehicle were attacked by armed individuals; no WFP staff were hurt in those incidents. However, the international staff presence in Mosul was reduced from 27 to 4. UN contractors and facilities remained vulnerable to criminal activity, both random and organized. For ordinary Iraqis and UN personnel, the principal security threat came from violent crime. Criminals, some of whom were organized and most of whom were armed, continued to take advantage of the easy availability of weapons and the vacuum in rule-of-law institutions. The principal concerns of Iraqis included the lack of personal security and of basic services such as water, electricity and fuel. Some concern had been expressed at the potentially serious implications of the recent dissolution by the Authority of the Iraqi army, which numbered half a million personnel. The United Nations had made available to the Authority its experience and body of best practice in disarmament, demobilization and reintegration. At the Authority’s request, a small team of UN experts flew to Baghdad for a week to provide information on lessons learned from previous disarmament programmes run by the Organization.

The Special Representative had also been engaged in a preliminary process of identifying the human rights challenges in Iraq and assessing the resources needed to address them. On 30 June and 1 July, the Special Representative and his team convened the first human rights
conference under UN auspices in Baghdad. Organized jointly with the Office of the High Commissioner for Human Rights, the conference brought together Iraqi and international experts, in addition to the Authority, to share perspectives, identify practical measures and develop policy options on justice for past crimes. A central concern raised at the conference was the Authority’s actions, especially the treatment and conditions of detention of Iraqi prisoners. The Special Representative had urged the Authority to ensure better treatment of detainees and urged a continued dialogue with the International Committee of the Red Cross (ICRC) on that issue. Vital to the promotion of human rights and respect for the rule of law was the development of civil society, in particular effective and independent human rights and women’s rights groups, and free and independent media. To that end, the Special Representative had placed emphasis on training. The United Nations had already been called upon by various sources to train public officials, particularly those involved in the administration of justice. The Special Representative intended to examine the possibility of providing such training, and the possibility of specific programmes to ensure access to justice by vulnerable groups. He also emphasized to all political parties and movements the need to promote the full participation of Iraqi women in the transitional political and constitutional processes.

A number of Governments had informally approached the Special Representative to explore the possibility of deploying international police under UN auspices. Currently, executive law enforcement responsibilities in Iraq were the sole responsibility of the Authority, under resolution 1483(2003). Discussions on that issue between the Special Representative and the Authority had led the Secretary-General to believe that establishing an international police force, under UN auspices, could create a parallel system of law enforcement, which would not be effective for improving law and order. There was scope for UN involvement in the area of civilian policing, in terms of making available its experience in aspects of local police training and development. The UN had expressed interest in engaging in the facilitation of national dialogue and consensus-building on the political transition process; assisting in the establishment of electoral processes; promoting the protection of human rights; implementing, through UNDP, two concrete projects relating to the emergency rehabilitation of the courts and support for the judicial system in fostering reform of the judicial system and to provide a forum for promoting dialogue among Iraqis on the issue.

Under international humanitarian law, the Authority bore the primary responsibility for the welfare of the Iraqi people, including the provision of public services. UN agencies had been assisting and would continue to assist the Iraqi people under their standing humanitarian mandates. The UN revised humanitarian appeal for Iraq was launched on 25 June (see also p. 990), specifying requirements for an additional $229 million for the UN system to ensure that it could carry out its activities until the end of 2003. The Special Representative would work to ensure as smooth and integrated a transition as possible from humanitarian and emergency rehabilitation work to economic recovery and reconstruction. To that end, the Secretary-General had designated the Humanitarian Coordinator, Ramiro Lopes da Silva (Portugal), as his Deputy Special Representative and as Resident Coordinator to oversee that process, which entailed, among other things, supervising the winding down, completion and transfer to the Authority of the oil-for-food programme, as prescribed in Council resolution 1483(2003) (see p. 358). The United Nations, in concert with the Authority, had begun to review the applications that had been prioritized and was seeking to verify that the requisite procedures established by the Office of the Iraq Programme had been fully respected and that the process was transparent. All parties were confident that the review of approved and funded applications would be completed prior to the cessation of the programme in November 2003.

UN agencies were in transition from activities launched under the humanitarian appeal on 23 June and progressively moving into reconstruction, recovery and development activities. An informal meeting on reconstruction in Iraq, held in New York on 24 June, helped to further define the framework for the coordination of reconstruction and development efforts.

The Secretary-General said that the focus of UN action in Iraq for the remainder of 2003 would include the following: delivering humanitarian assistance, promoting the safe, orderly and voluntary return of refugees and displaced persons, and conducting emergency rehabilitation; engaging in the facilitation of national dialogue and consensus-building on the political transition process; assisting in the establishment of electoral processes; promoting the protection of human rights; implementing, through UNDP, two concrete projects relating to the emergency rehabilitation of the courts and support for the judi-
Mr. Vieira de Mello. At the request of Spain, the Representative of the Secretary-General for Iraq, H.E. Mr. Mohammad Sibai, went to Iraq in November 2003 to ascertain the situation in Iraq and heard a briefing by the Special Representative. It was envisaged that UNAMI’s structure envisaged by resolution 1483(2003) (see p. 338) should consist of over 300 civilian staff comprising both international and local personnel, as well as Iraqi nationals. UNAMI’s structure envisaged that its staff strength should consist of over 300 civilian staff combined. That figure was inclusive of both substantive personnel and local personnel in Baghdad and each of the regions. The number of international staff would be less than half the total figure, as UNAMI would rely on a number of international staff who would be less than half the total figure, as UNAMI would rely on a skilled Iraqi force. UNAMI’s structure envisaged maximum reliance on the existing capacity and structure of the Office of the Humanitarian Coordinator and on the Humanitarian Coordinator himself, whom the Secretary-General concurrently appointed as the Resident Coordinator of the UN country team (of agencies, funds and programmes) and as his Deputy Special Representative for Iraq.

The Secretary-General outlined the structure for the proposed United Nations Assistance Mission for Iraq (UNAMI). In view of the broad range of responsibilities entrusted to the Special Representative, it was envisaged that the staff strength should consist of over 300 civilian staff combined. That figure was inclusive of both substantive and support international and local personnel in Baghdad and each of the regions. The number of international staff would be less than half the total figure, as UNAMI would rely on a skilled Iraqi force. UNAMI’s structure envisaged maximum reliance on the existing capacity and structure of the Office of the Humanitarian Coordinator and on the Humanitarian Coordinator himself, whom the Secretary-General concurrently appointed as the Resident Coordinator of the UN country team (of agencies, funds and programmes) and as his Deputy Special Representative for Iraq.

The Secretary-General observed that Iraq could not be treated in isolation from the region. He believed that an inclusive way of working with Iraq’s neighbours would need to be found. The Special Representative intended to continue the contacts that the Secretary-General had initiated in Amman, Jordan, during a visit from 21 to 25 June and before long would visit all of Iraq’s neighbours.

Security Council consideration (July). On 22 July, the Security Council discussed the situation in Iraq and heard a briefing by the Special Representative of the Secretary-General for Iraq, H.E. Mr. Vieira de Mello. At the request of Spain (S/2003/750), members of the Governing Council of Iraq participated in the discussion without the right to vote. The Council had before it the Secretary-General’s 17 July report.

Introducing the Secretary-General’s report, Mr. Vieira de Mello said that the formation in July of Iraq’s Governing Council was a significant step forward and a new stage that succeeded the disorienting power vacuum left from the fall of the previous regime. He had visited Iran, Saudi Arabia and the Syrian Arab Republic and had accompanied the Secretary-General to Amman in June, where they had held talks on Iraq and resolution 1483(2003) (see p. 338). He reported that all the regional officials and leaders he met with expressed their desire to see a new Iraq at peace with itself and its neighbours and wished the United Nations to take the lead in achieving that vision.

Security in Iraq remained tenuous. It was imperative that law and order be restored throughout the country as soon as possible as, without them, every area of activity would be impacted for the worse. Iraqis cooperating with the Authority, as well as Iraqi policemen, had been the subject of attacks. In parallel, common law criminality was a major problem. The potential impact of the violence could not be underestimated as it threatened to undermine confidence in the transition and shake the resolve of Iraqis committed to leading their country through this difficult period in its history. The UN presence in Iraq was not to be underestimated as UNAMI, although it was funded by the international community, would need the full support of the international community and of the Iraqi people, whose trust it would need to earn anew each day. It had to be empowered to deliver tangible improvements to the welfare of the population while not becoming the object of criticism. There was also a need for a clear timetable for the earliest restoration of Iraqi sovereignty. Resolution 1483(2003) provided considerable scope for the United Nations to play an effective role in Iraq. It was not a clear mandate, but at the same time the situation in Iraq was exceptional and therefore it required an exceptional approach. The lack of clarity allowed the UN role in Iraq to emerge and develop as the situation on the ground evolved. What the United Nations could not do was replace the Authority, nor should it ever replace the rightful role that Iraqis had to play in shaping the future of their country. What the United Nations could
do was to help build consensus among Iraqis and between Iraqis and the Authority.

The head of the delegation of the Governing Council of Iraq, Adnan Pachachi, said that Iraq had rid itself of the tyrannical regime that oppressed the Iraqi people for three decades. A State marked by the intelligence services, mandatory arrests and random executions had ended, never to return. The primary goal of the Governing Council was to shorten the duration of the interim administration period and put together an elected Government under a constitution to be endorsed by the population in free elections. The Governing Council would need to ensure security and stability and to establish institutions that could rebuild the national police and the national army. There was also a need to appoint ministers and to reopen Iraqi embassies abroad. Iraq would require assistance in all areas in order to rebuild its economy, modernize its industrial sector, reform its educational system, improve its sanitation services and provide basic necessities to all its citizens. The United Nations would have a vital role to play in all those areas. In addition, there was a need to re-examine the legislation enacted by the previous regime and to constitute special tribunals in order to bring to justice those who committed criminal acts under that regime.

Communication (31 July). On 31 July [S/2003/812], the United States transmitted to the Council President a letter from the Acting Governor of the Central Bank of Iraq, who said that resolution 1483(2003) (see p. 338) created an obligation for all Member States to identify, freeze and transfer to the Development Fund for Iraq all funds, financial assets or economic resources in their jurisdictions that were established or held by the previous Iraqi Government. Those funds and resources included not only those of the previous Government, but also those of its State bodies, corporations, agencies and entities that had been removed from Iraq or acquired by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members. Those funds were urgently needed for humanitarian, reconstruction, civilian administration and other purposes benefiting the people of Iraq.

Establishment of UNAMI

On 14 August [meeting 4908], the Security Council adopted resolution 1500(2003) by vote (14-0-1). The draft [S/2003/812] was submitted by Angola, Bulgaria, Cameroon, Chile, Guinea, Spain, the United Kingdom and the United States.

The Security Council,
Recalling all its relevant resolutions, in particular resolution 1483(2003) of 22 May 2003,
Reaffirming the sovereignty and territorial integrity of Iraq,
Reaffirming also the vital role for the United Nations in Iraq which was set out in relevant paragraphs of resolution 1483(2003),
Having considered the report of the Secretary-General of 17 July 2003,
1. Welcomes the establishment of the broadly representative Governing Council of Iraq on 13 July 2003, as an important step towards the formation by the people of Iraq of an internationally recognized, representative government that will exercise the sovereignty of Iraq;
2. Decides to establish the United Nations Assistance Mission for Iraq to support the Secretary-General in the fulfilment of his mandate under resolution 1483(2003), in accordance with the structure and responsibilities set out in his report of 17 July 2003, for an initial period of twelve months;
3. Decides to remain seized of this matter.

VOTE ON RESOLUTION 1500(2003):
In favour: Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, United Kingdom, United States. Against: None. Abstaining: Syrian Arab Republic.

Speaking after the vote, the United States said the adopted resolution sent a clear signal to those who opposed the political transformation under way in Iraq that they were out of step with world opinion. The resolution endorsed the vital role that the United Nations was playing in Iraq. The United States supported the Secretary-General’s request to create UNAMI.

The Syrian Arab Republic said that it had abstained in the vote in keeping with its responsibility as the Arab representative on the Council. All Arab States supported the need to end the occupation of Iraq and to form a legitimate national Iraqi Government, as soon as possible and within a clear time frame. Syria regretted that consultations on the draft resolution did not include the input of rotating members of the Council, including Syria.

Attack on UN headquarters in Baghdad

On 19 August, at approximately 1630 hours local time, a flatbed truck carrying an estimated 1,000 kilograms of high explosives was detonated on the service road adjacent to the south-west corner of the Canal Hotel, UN headquarters in Baghdad. The attack was carefully planned and deliberately targeted the compound’s weakest point, with devastating effect. It resulted in the death of 22 persons (13 of them UN staff members) and the wounding of more than 150. The Special Representative for Iraq and UN High Commissioner for Human Rights, Mr. Vieira de
Mello, was among those killed. The attack represented the most deliberate and devastating attack against the United Nations in its history.

In a 19 August press statement [SG/SM/8823-IK/355], the Secretary-General denounced the attack as an inexcusable act of unprompted and murderous violence against men and women who went to Iraq to help the Iraqi people. In a second press statement [SG/SM/8825-IK/356], issued after the death of Mr. Vieira de Mello was confirmed, he said that the loss of his top envoy for Iraq was a bitter blow for the United Nations and for him personally.

Communications (19-20 August). On 19 August [S/2003/822], the Russian Federation expressed shock at the terrorist act against the UN compound in Baghdad.

On 20 August [S/2003/827], Malaysia, on behalf of the Non-Aligned Movement, condemning the attack, said that such attacks could not break the will of the international community to continue to extend all possible assistance to the Iraqi people to regain their national sovereignty.

SECURITY COUNCIL ACTION (20 August)

On 20 August [meeting 4811], following consultations among Security Council members, the President made statement S/PRST/2003/13 on behalf of the Council:

The Security Council unequivocally condemns the terrorist attack that took place on 19 August 2003 against the United Nations headquarters in Baghdad and thereby against the international community as a whole, causing numerous deaths and injuries among international personnel and Iraqi people.

The Council condemns in the strongest terms the perpetrators of that attack and underlines the need to bring them to justice.

The Council pays tribute to and expresses its deepest admiration for all those among the United Nations personnel who have lost their lives or have been injured in the service of the United Nations and of the Iraqi people, including the Special Representative of the Secretary-General, Mr. Sergio Vieira de Mello.

The Council expresses its deepest sympathy and condolences to the victims and their families.

The Council reaffirms the imperative to respect, in all circumstances, the safety and security of United Nations personnel and the need for adequate security measures to be taken in this regard.

The Council reaffirms its determination to assist the Iraqi people to build peace and justice in their country and to determine their own political future by themselves. It welcomes in this regard the determination of the United Nations to continue its operation in Iraq to fulfil its mandate in the service of the Iraqi people, and will not be intimidated by such attacks.

Security Council consideration (21 August).

On 21 August [meeting 4812], the Council heard briefings from the representatives of the United States and the United Kingdom on Iraq. Both countries expressed outrage at the attack against the United Nations and extended their deepest sympathies to the victims and their families.

The United States said that the timing of the attack was no accident; it occurred at a critical juncture, when the impact of initial plans and efforts had begun to take positive effect. A secure, democratic and stable Iraq was a threat and a target for those who wished to turn the clock back to the days of tyranny. As a response, the Security Council had to stand together and invigorate its struggle against terrorism. The United States highlighted some markers of progress since the adoption of resolution 1483(2003), the most significant of which was the formation of the Governing Council. The Authority was working to improve economic and security conditions. It had initiated programmes to enable Iraqis to develop a capacity to foil saboteurs who targeted their electrical infrastructure, oil industry and other sectors critical to Iraq’s renewal. Tens of thousands of Iraqi police had answered the call to return to work, and recruitment and training were under way to put thousands more on the streets. Nearly 38,000 police officers were deployed throughout the country, some 6,000 in Baghdad. The ultimate goal was to have approximately 65,000 police countrywide. The Authority had also started training a new Iraqi army.

The United Kingdom highlighted progress in the humanitarian, education and health sectors. It also reported on efforts to establish representative governance, especially at the local level, and on human rights reforms.

Appointment of acting Special Representative.

On 22 August [S/2003/830], the Secretary-General informed the Council President that, owing to the untimely death of Mr. Vieira de Mello, he had appointed, on an interim basis, Ramiro Lopes da Silva as his acting Special Representative for Iraq.

On the same day [S/2003/831], the Council took note of the Secretary-General’s appointment.

Communications (22 August-8 September).

On 22 August [A/58/315-S/2003/845], Mali, on behalf of the Human Security Network (Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, Netherlands, Norway, Slovenia, South Africa, Switzerland, Thailand), condemned the 19 August terrorist attacks committed against the United Nations in Baghdad and expressed concern about the increasing number of attacks against the personnel of international organizations in conflict areas.
On 8 September [S/2003/867], Poland informed the Council President that it had decided to dispatch stability forces (both military and an adequate civilian component) and lead a multinational division of stability forces in the central-south sector of Iraq.

**General Assembly action.** On 15 September, the General Assembly condemned the attack on UN personnel and premises in Baghdad (resolution 57/338) (see p. 1432).

**Downsizing of UN staff in Iraq**

On 25 September [SG/SM/8899-IK/795], the Secretary-General ordered the temporary redeployment of UN international staff in Iraq. International staff members remaining in the country totalled 86, and that number could be expected to diminish even further. Essential humanitarian activities in Iraq would continue, thanks to the efforts of more than 4,000 national staff.

**Communication (3 October).** On 3 October [A/58/415-S/2003/92], Iran transmitted to the Secretary-General the final communiqué of the Annual Coordination Meeting of Ministers for Foreign Affairs of the member States of OIC (New York, 30 September). The Ministers, among other things, emphasized the responsibility of the occupying Powers to safeguard the civil and religious liberties of the Iraqi people. They also took note of resolution 1483(2003) (see p. 338) and called on member States to support and assist Iraq in its efforts to reactivate economic institutions and infrastructure.

**SECURITY COUNCIL ACTION (October)**

On 16 October [meeting 4641], the Council unanimously adopted resolution 1511(2003). The draft [S/2003/992] was submitted by Cameroon, Spain, the United Kingdom and the United States.

The Security Council,

**Reaffirming** its previous resolutions on Iraq, including resolutions 1483(2003) of 22 May 2003 and 1500 (2003) of 14 August 2003, and its resolutions on threats to international peace and security caused by terrorist acts, including resolution 1373(2001) of 28 September 2001, and other relevant resolutions,

**Underscoring** that the sovereignty of Iraq resides in the State of Iraq, reaffirming the right of the Iraqi people freely to determine their own political future and control their own natural resources, reiterating its resolve that the day when Iraqis govern themselves must come quickly, and recognizing the importance of international support, particularly that of countries in the region, Iraq’s neighbours, and regional organizations, in taking forward this process expeditiously,

**Recognizing** that international support for the restoration of conditions of stability and security is essential to the well-being of the people of Iraq as well as to the ability of all concerned to carry out their work on behalf of the people of Iraq, and welcoming contributions by Member States in this regard under resolution 1483(2003),

**Welcoming** the decision of the Governing Council of Iraq to form a preparatory constitutional committee to prepare for a constitutional conference that will draft a constitution to embody the aspirations of the Iraqi people, and urging it to complete this process quickly,

**Affirming** that the terrorist bombings of the Embassy of Jordan on 7 August 2003, of the United Nations headquarters in Baghdad on 19 August 2003, of the Imam Ali Mosque in Najaf on 29 August 2003 and of the Embassy of Turkey on 14 October 2003, and the murder of a Spanish diplomat on 9 October 2003 are attacks on the people of Iraq, the United Nations and the international community, and deploiring the assassination of Dr. Akila al-Hashimi, who died on 25 September 2003, as an attack directed against the future of Iraq,

**Recalling and reaffirming,** in that context, the statement by its President of 20 August 2003 and its resolution 1502(2003) of 26 August 2003,

**Determining** that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

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

1. **Reaffirm** the sovereignty and territorial integrity of Iraq, and underscores, in that context, the temporary nature of the exercise by the Coalition Provisional Authority ("the Authority") of the specific responsibilities, authorities and obligations under applicable international law recognized and set forth in resolution 1483(2003), which will cease when an internationally recognized, representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority, inter alia, through steps envisaged in paragraphs 4 to 7 and 10 below;

2. **Welcomes** the positive response of the international community, in forums such as the League of Arab States, the Organization of the Islamic Conference, the United Nations General Assembly and the United Nations Educational, Scientific and Cultural Organization, to the establishment of the broadly representative Governing Council of Iraq as an important step towards an internationally recognized, representative government;

3. **Supports** the efforts of the Governing Council to mobilize the people of Iraq, including by the appointment of a cabinet of ministers and a preparatory constitutional committee to lead a process in which the Iraqi people will progressively take control of their own affairs;

4. **Determines** that the Governing Council and its ministers are the principal bodies of the Iraqi interim administration, which, without prejudice to its further evolution, embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established and assumes the responsibilities of the Authority;

5. **Affirms** that the administration of Iraq will be progressively undertaken by the evolving structures of the Iraqi interim administration;
6. Calls upon the Authority, in this context, to return governing responsibilities and authorities to the people of Iraq as soon as practicable, and requests the Authority, in cooperation, as appropriate, with the Governing Council and the Secretary-General, to report to the Security Council on the progress being made;

7. Invites the Governing Council to provide to the Security Council for its review, no later than 15 December 2003, in cooperation with the Authority and, as circumstances permit, the Special Representative of the Secretary-General, a timetable and a programme for the drafting of a new constitution for Iraq and for the holding of democratic elections under that constitution;

8. Resolves that the United Nations, acting through the Secretary-General, his Special Representative and the United Nations Assistance Mission for Iraq, should strengthen its vital role in Iraq, including by providing humanitarian relief, promoting the economic reconstruction of and conditions for sustainable development in Iraq, and advancing efforts to restore and establish national and local institutions for representative government;

9. Requests that, as circumstances permit, the Secretary-General pursue the course of action outlined in paragraphs 98 and 99 of his report of 17 July 2003;

10. Takes note of the intention of the Governing Council to hold a constitutional conference and, recognizing that the convening of the conference will be a milestone in the movement to the full exercise of sovereignty, calls for its preparation through national dialogue and consensus-building as soon as practicable, and requests the Special Representative of the Secretary-General, at the time of the convening of the conference or as circumstances permit, to lend the unique expertise of the United Nations to the Iraqi people in this process of political transition, including the establishment of electoral processes;

11. Requests the Secretary-General to ensure that the resources of the United Nations and associated organizations are available if requested by the Governing Council and, as circumstances permit, to assist in the furtherance of the programme provided by the Governing Council under paragraph 7 above, and encourages other organizations with expertise in this area to support the Governing Council if requested;

12. Also requests the Secretary-General to report to the Security Council on his responsibilities under the present resolution and the development and implementation of a timetable and programme under paragraph 7 above;

13. Determines that the provision of security and stability is essential to the successful completion of the political process as outlined in paragraph 7 above and to the ability of the United Nations to contribute effectively to that process and the implementation of resolution 1483(2003), and authorizes a multinational force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq, including for the purpose of ensuring necessary conditions for the implementation of the timetable and programme, as well as to contribute to the security of the United Nations Assistance Mission for Iraq, the Governing Council and other institutions of the Iraqi interim administration and key humanitarian and economic infrastructure;

14. Urges Member States to contribute assistance under this United Nations mandate, including military forces, to the multinational force referred to in paragraph 13 above;

15. Decides that it shall review the requirements and mission of the multinational force referred to in paragraph 13 above not later than one year from the date of adoption of the present resolution, and that in any case the mandate of the force shall expire upon the completion of the political process as described in paragraphs 4 to 7 and 10 above, and expresses its readiness to consider on that occasion any future need for the continuation of the multinational force, taking into account the views of an internationally recognized, representative government of Iraq;

16. Emphasizes the importance of establishing effective Iraqi police and security forces in maintaining law, order and security and combating terrorism consistent with paragraph 4 of resolution 1483(2003), and calls upon Member States and international and regional organizations to contribute to the training and equipping of Iraqi police and security forces;

17. Expresses its deep sympathy and condolences for the personal losses suffered by the Iraqi people and by the United Nations and the families of those United Nations personnel and other innocent victims who were killed or injured in recent tragic attacks;

18. Unequivocally condemns the terrorist bombings of the Embassy of Jordan on 7 August 2003, of the United Nations headquarters in Baghdad on 29 August 2003, of the Imami Ali Mosque in Najaf on 29 August 2003 and of the Embassy of Turkey on 14 October 2003, the murder of a Spanish diplomat on 9 October 2003 and the assassination of Dr. Akila al-Hashimi, who died on 22 September 2003, and emphasizes that those responsible must be brought to justice;

19. Calls upon Member States to prevent the transit of terrorists to Iraq, arms for terrorists and financing that would support terrorists, and emphasizes the importance of strengthening the cooperation of the countries of the region, particularly neighbours of Iraq, in this regard;

20. Appeals to Member States and the international financial institutions to strengthen their efforts to assist the people of Iraq in the reconstruction and development of their economy, and urges those institutions to take immediate steps to provide their full range of loans and other financial assistance to Iraq, working with the Governing Council and appropriate Iraqi ministries;

21. Urges Member States and international and regional organizations to support the Iraq reconstruction effort initiated at the United Nations technical consultations of 24 June 2003, including through substantial pledges at the international donors conference to be held in Madrid on 23 and 24 October 2003;

22. Calls upon Member States and concerned organizations to help meet the needs of the Iraqi people by providing resources necessary for the rehabilitation and reconstruction of Iraq’s economic infrastructure;

23. Emphasizes that the International Advisory and Monitoring Board referred to in paragraph 12 of resolution 1483(2003) should be established as a priority, and reiterates that the Development Fund for Iraq
International Advisory and Monitoring Board

On 22 October [S/2003/1030], the Secretary-General informed the Council President that he, together with the executive heads of the Arab Fund for Economic and Social Development, the International Monetary Fund and the World Bank, had approved the terms of reference for the establishment of the International Advisory and Monitoring Board (IAMB), as emphasized in resolution 1311(2003) (above). A copy of the Board’s terms of reference was attached to the letter. The purpose of IAMB was to promote the objectives set out in Council resolution 1483 (2003) (see p. 338) of ensuring that the Development Fund for Iraq was used in a transparent manner for the purposes set out in paragraph 14 of that resolution and that the export sales of petroleum, petroleum products and natural gas from Iraq were made consistent with prevailing international market best practices. The executive heads intended to make the appointment of their representatives to IAMB forthwith and looked forward to an early IAMB meeting.

Communications (4-21 November). On 4 November [S/2003/1073], Egypt, Iran, Jordan, Kuwait, Saudi Arabia, the Syrian Arab Republic and Turkey transmitted to the Secretary-General and the Council President the text of the final statement of the meeting of the Foreign Ministers of Iraq’s neighbouring countries (Damascus, Syria, 1-2 November). The Ministers, among other things, rejected any measure that could lead to the disintegration of Iraq and emphasized the importance of enhancing the UN role in that country. They also expressed their concern at the existence of terrorist groups in Iraq and the threat they represented for neighbouring countries.

On 21 November [A/58/611-S/2003/134], India and the Russian Federation transmitted to the Secretary-General the text of the Declaration of the Russian Federation and the Republic of India on Global Challenges and Threats to International Security and Stability (Moscow, 12 November). The two countries said that a specific time plan of action should be adopted under the aegis of the United Nations for the speediest restoration of the State sovereignty of Iraq, for the stabilization of the political and humanitarian situation and for ensuring Iraq’s economic growth with broad international participation.

Security Council consideration (21 November). On 21 November [meeting 4869], the Council heard briefings by the United States and the United Kingdom on the latest developments in Iraq.

The United States said that violence continued to be directed against the Iraqi people and all those who were trying to assist them in creating a new Iraq. Iraqis were taking on increasing responsibilities for their security every day and were working to rebuild a strong police force and a new army. They also continued to take over administrative responsibilities and to provide for the delivery of basic services. Iraq’s ministries were run by Iraqi ministers, appointed by and reporting to the Iraqi Governing Council. The 15 November announcement by the Governing Council of a political process to establish a representative transitional national assembly to assume full sovereign powers in 2004 was a step forward in Iraq’s political transition. Under that process, a transitional national assembly would be formed to elect an executive branch, select ministers and serve as a legislative body. By 30 June 2004, that new transitional administration would assume full responsibility for governing Iraq. The Authority would then dissolve, as would the Iraqi Governing Council. The Transitional National Assembly would be formed through caucuses at the provincial level. The se-
lection and structure and powers of the Assembly would be established by a fundamental law, with basic principles of openness and transparency. The delegates to the Assembly should be selected no later than 31 May 2004. The fundamental law would protect freedom of speech and religion and would include a statement of equal rights for all Iraqis. The law would define the relationship between the central Government and provincial authorities and would have an expiration date, by which time a permanent constitution for Iraq was to be drafted and a new Government of Iraq elected. The agreement signed between the Governing Council and the Authority on 15 November established a time line for the direct election of a constitutional convention, no later than 15 March 2005, to draft a permanent constitution for Iraq. The constitution would be ratified through a popular referendum, and a new Iraqi Government would be elected under the terms of the ratified constitution no later than 31 December 2005.

Three basic steps—increased assumption by Iraqis for security, creation of the Governing Council, and appointment of effective ministers to run Iraqi ministries and continuing transfer of political authority to Iraqis—were part of the Authority’s planning for post-Saddam Iraq.

The continued support of the international community in reconstruction efforts was also critical. At a donors conference (Madrid, 23-24 October), the international community pledged over $33 billion in support to Iraq. The Coalition stressed that the United Nations had a vital role to play in Iraq and stood ready to discuss with UN officials appropriate security support, as envisioned under resolution 1511(2003) (see p. 348).

Security and stability underpinned all other efforts on the ground. Despite the killings, bombings and other attacks, much of Iraq remained calm. The reality that could not be captured by a television camera was that Iraqis were coming together to expand conditions of security and stability, adding more than 130,000 personnel to the security effort. Over 60,000 police officers were back on the streets and over 12,000 Iraqi border personnel were on duty. The first battalion of the new Iraqi army was formed in October 2003, and by the autumn of 2004 the Iraqi army would have expanded to about 35,000 troops. Notwithstanding those efforts, the United States acknowledged that security conditions in Iraq remained a major preoccupation and that there was a need to deliver a sustainable, improved security situation, particularly in the centre of the country. Over the coming months, the Authority would continue to work with the Governing Council to promote diverse and representative citizen participation within, and among, communities throughout Iraq. The focus would be on increasing financial transparency and accountability and on strengthening the capacity of local administrations to provide municipal services. In June, the Iraqi Survey Group assumed responsibility for searching for and eliminating Iraqi WMD, prohibited missile-delivery systems and related infrastructure. In October, an interim report on the Group’s activities detailed numerous violations by Saddam Hussein’s regime of its mandated obligations under Council resolutions, including deliberate efforts to conceal from the United Nations equipment and programme activities related to WMD during inspections from November 2002 to March 2003.

The United Kingdom briefed the Council on the main points relating to the provision of basic services, economic and reconstruction issues and human rights and justice.

Constitutional and electoral timetable

On 2 December [S/2003/1169], the Council President acknowledged the receipt of a 24 November letter from the interim President of the Iraqi Governing Council, Jalal Talabani, regarding the timetable agreed upon with the Authority in accordance with paragraph 7 of Council resolution 1511(2003) (see p. 348). The contents of the letter had been brought to the attention of Council members.

On 11 December [S/2003/1170], Iraq requested that its 24 November letter be circulated as a Security Council document. The letter stated that the Governing Council had decided to hold general elections for the establishment of a constitutional convention no later than 15 March 2005. The constitution would then be submitted to the Iraqi people for approval in a referendum. By the end of 2005, elections would be held to elect a new government in accordance with the provisions of the constitution. The Governing Council and the transitional government, to be elected by the end of June 2004, would make the necessary preparations for those elections, which would include conducting a population census, drafting a law containing electoral regulations, and adopting laws concerning political parties, the press and meetings. Prior to commencing the constitutional process, the transitional governing council would draft, no later than the end of February 2004, a law concerning the administration of the Iraqi State in accordance with the following principles: respect for human rights and fundamental freedoms, including freedom of religion and equality of all citizens; separation of the three branches of government; introduction of some degree of decentralization in the administration of the governorates, taking into consider-
From that envisaged less than a month earlier, when the Secretary-General outlined the proposed concept of operations for the Mission in his July report.

Responsibility for the 19 August attack against UN headquarters in Baghdad (see p. 346) remained uncertain. Although the Abu-Hafs al-Masri Brigades, a group affiliated with Al-Qaeda, among others, claimed responsibility in a message published on the Internet and in Arabic newspapers, the authenticity of the message had not been established. On 21 August, the Secretary-General dispatched to Iraq an investigation team led by the senior security officer of the Office of the United Nations High Commissioner for Human Rights and comprising members of the Office of the United Nations Security Coordinator, the International Tribunal for the Former Yugoslavia and the Office of Internal Oversight Services. They were tasked with determining and recording the events leading up to the explosion and immediately thereafter, assessing the adequacy of preventive measures and making recommendations on required adjustments to enable UN personnel to operate in greater safety in the future. He also instructed the UN Security Coordinator, Tun Myat, to visit Iraq from 23 to 30 August to review the security situation and to make recommendations on what reductions in the number of UN personnel in the country might be required on security grounds. The Security Coordinator, in a 2 September report to the Secretary-General, noted that the overall security situation in Iraq had deteriorated dramatically in August. Iraq had entered a new phase in which all foreign organizations and Iraqis who cooperated with the Authority were potential targets of deliberate and hostile attacks.

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That type of security threat had not been anticipated. The United Nations had chosen offices in locations that would facilitate contact with and accessibility to Iraqi partners and beneficiaries. The more than 800 international UN personnel deployed throughout the country were thus extremely vulnerable to further attacks. Coalition forces were not in a position to provide dedicated protection to all of them. Hence, the reduction of international personnel, well under way before 2 September, continued after the submission of the Security Coordinator’s report. On 5 September, the UN Under-Secretary-General for Political Affairs informed the Security Council in informal consultations of the Secretary-General’s decision to withdraw from Iraq all international personnel other than those required for essential humanitarian assistance activities and security and logistics support. On the basis of those criteria, the Secretary-General had decided to reduce the...
number of international staff in Baghdad from 400 to approximately 50 and in the three northern governorates from 400 to approximately 30, and to vacate the UN offices in Basra, Hilla and Mosul.

On 22 September, the Secretary-General appointed an Independent Panel on the Safety and Security of United Nations Personnel in Iraq. Led by the former President of Finland, Martti Ahtisaari, the Panel was tasked with, among other things, examining the adequacy of UN security, management and practices prior to the attack, the circumstances of the attack itself and the actions taken by various parties in the immediate aftermath. The Panel’s report, submitted on 20 October, concluded that there was no place in Iraq without risk and that a new security approach was needed in order to ensure staff security in such a high-risk environment. It also argued that the UN security management system was in need of drastic reform, especially in the light of the new type of threat faced in Iraq and potentially elsewhere. It recommended a separate and independent audit and accountability procedure to review the responsibilities of key individuals in the decision-making processes on security matters prior to the 19 August attack. Accordingly, the Secretary-General established a team on 4 November, headed by Gerald Walzer, former Deputy High Commissioner for Refugees, to determine accountability at all managerial levels at UN Headquarters and in the field with respect to relevant decisions taken prior to the attack. The team was asked to present its findings to the Secretary-General with the least possible delay. Meanwhile, on 22 September, a second suicide attack was launched against UN headquarters at the Canal Hotel in Baghdad, resulting in the death of one Iraqi policeman and the wounding of others, including two UN national staff. Other attacks directed against civilian foreign organizations, and against Iraqi civilians, coupled with the findings of the Panel led by President Ahtisaari, led the Secretary-General to draw down further the international UN presence in Iraq during the months of September and October; that included the relocation of international programme staff from Baghdad after the 22 September attack. That period of retrenchment culminated with the Secretary-General’s decision, on 4 November, to relocate temporarily all international UN staff from Baghdad, pending a comprehensive review of UN operations in Iraq and their security implications, leaving only a small core presence of international personnel in Erbil.

Despite the 19 August attack and the subsequent relocation of UN staff, a substantial number of planned UN activities had continued. That was particularly true with respect to humanitarian relief and emergency rehabilitation efforts, the reconstruction needs assessment process and the termination of the oil-for-food programme. On 23 October, the Secretary-General attended the opening of the international donors conference for the reconstruction of Iraq in Madrid. At the end of the conference, participants announced pledges amounting to more than $33 billion in grants and loans until the end of 2007. In order to help coordinate and channel contributions towards reconstruction and development in Iraq, the United Nations and the World Bank were requested to present terms of reference for an international reconstruction trust fund facility for Iraq. To build on the respective strengths and comparative advantages of both the United Nations and the World Bank, the proposed facility comprised two trust funds. The World Bank trust fund would concentrate mainly on technical assistance and infrastructure support, while the UN-managed trust fund would focus on technical assistance, quick-impact projects and transition activities.

There were significant political developments in Iraq post-19 August, especially with respect to the provisions of resolution 1483(2003). They included the 1 September appointment of interim ministers by the Governing Council and the completion of the preparatory constitutional committee’s report; the adoption of resolution 1511(2003) (see p. 348); and the 15 November agreement reached between the Governing Council and the Authority on the political transition process. With regard to resolution 1511(2003), the Secretary-General was particularly grateful to the sponsors for inserting the caveat “as circumstances permit” with respect to the implementation of the original plans of UNAMI, and in support of the implementation of a timetable and programme for the drafting of a new constitution and the holding of elections, with support from the United Nations “if requested by the Governing Council”. In doing so, the Council took into consideration his concerns that the United Nations should not take on responsibilities it could not successfully carry out. For UN engagement to be successful, adequate measures for staff security needed to be in place first. Furthermore, the Secretary-General said that in order for the UN role in the political process to be effective, it needed to be supported by all members of the Governing Council, key Iraqi figures outside the process, the Coalition, key States in the...
region, a united Security Council and major donor countries.

The 15 November agreement on the political process set out a timetable and programme for drafting a new constitution and holding elections under that constitution (see above). Though the agreement made no specific mention of any role for the United Nations, both the Governing Council and the Authority expressed their desire for the Organization to play an active part in its implementation.

The fact that a sovereign transitional Iraqi Government was envisaged to be established by 30 June 2004 required the United Nations to focus immediately on humanitarian assistance, emergency rehabilitation, technical assistance for ministries related thereto and the initiation of reconstruction programmes. On the political front, it had yet to be established what role, if any, Iraqis and the Authority would like the United Nations to play in the formation of the national assembly by 31 May 2004, how substantive that role might be in relation to the security risks and whether circumstances would permit the Organization to play any such role effectively. The Secretary-General welcomed the holding of regional meetings to encourage and support the political process in Iraq. He established an advisory group on Iraq, composed of neighbouring countries, Egypt and Security Council members. His aim in doing so was to initiate an informal dialogue and to develop a common basis for approaching the situation in Iraq. He also intended to enhance contacts between the United Nations and regional countries and regional organizations with a view to building confidence at three levels: between Iraq and its neighbours, within the region itself and between the region and the larger international community. In the longer term, if the Iraqis requested and as circumstances permitted, the United Nations would make available to the Iraqi people its expertise on the constitutional and electoral processes. However, no determination of electoral assistance by the United Nations could be made without a specific request of the Member States and the launching of a needs assessment mission, as per standard UN practices.

Irrespective of whatever direct contribution the United Nations might make to the political process in the immediate or long term, there was ample potential for it to continue to play an important role in Iraq. The key task was to develop a detailed plan of action that took into consideration the conditions and circumstances required if the United Nations was to play that role effectively both inside and outside the country. To that end, a detailed planning process was initiated at a meeting held in Nicosia, Cyprus, from 11 to 15 November. Representatives of 20 UN departments, agencies, funds and programmes, including the UN agency country team for Iraq, and UNAMI personnel participated. The Nicosia meeting and subsequent meetings at UN Headquarters had resulted in a plan for future UN activities in Iraq in the immediate to medium term, with respect to security, the deployment of UNAMI and criteria for revisions to the UN country strategy for relief, recovery and reconstruction for 2004.

The substantive programmatic review highlighted the fact that the security environment was unlikely to improve and could deteriorate even further; the United Nations would remain a high-value, high-impact target for terrorist activity in Iraq for the foreseeable future. The acting UN Security Coordinator assessed the risk to UN personnel in Iraq as falling in the high to critical category; but considered that, over time, gradual improvements in the security environment, coupled with the full implementation of a range of protective measures, had the potential to reduce the risk to medium to high. Those measures included protection by a highly mobile, responsive armed force on a countrywide basis; preparation and implementation of enhanced Minimum Operating Safety Standards to include security plans and procedures and significant office and residential building upgrades; the establishment of an effective, well-trained and well-equipped security management and coordination structure; training on security matters for staff at all levels; a highly capable and responsive emergency medical support element; protected vehicles; and a comprehensive, far-reaching public information strategy that could effectively explain the role and tasks of the United Nations. In summary, establishing the necessary security conditions would be a time-consuming and expensive process. Under those circumstances, it was difficult to envisage the United Nations operating with a large number of international staff inside Iraq in the near future, unless there was an unexpected and significant improvement in the overall security situation.

It was impossible to forecast if and when circumstances would permit the full deployment of UNAMI in Iraq. The operation would need to build up incrementally, at a pace and scope that could not yet be defined. At the same time, prudent contingency planning was required to enable the United Nations to respond as quickly as possible to requests for assistance from the Iraqi people. Therefore, the Secretary-General decided to commence the incremental process of establishing UNAMI by setting up the core of the
Mission outside Iraq, in Nicosia. Additional UNAMI staff would be deployed to a small office in Amman and other locations in the region. He envisaged an integrated core team of approximately 40 international UNAMI staff in total to be in place by early 2004; that number would be expected to increase to up to 60 international staff once a new Special Representative had been appointed. That core UNAMI team would initially be managed by Ross Mountain, who would serve as acting Special Representative, until such time as a new Special Representative was appointed. The core UNAMI team would lead operational planning efforts for the eventual deployment of UNAMI in Iraq, and also coordinate the activities and provide guidance to UN agencies. The political and human rights officers would meet with Iraqis travelling in the region to discuss with them the political and human rights situation in the country. The UNAMI core team would also lead the articulation and subsequent implementation of a public information strategy through media outlets based in the region and national staff in Iraq.

During the Nicosia consultations, progress was made in working out modalities to implement an integrated approach to the UN relief, recovery and reconstruction activities. The basis for the UN assistance efforts would be a fully integrated UN country team strategy for 2004, which would be finalized by January 2004 and reviewed on a quarterly basis to reflect emerging needs and changing circumstances. The implementation of UN programmes on the ground would be led by an integrated implementation team.

The Secretary-General observed that in order to mitigate the possibility that the insurgency in Iraq would grow over time, various steps had to be taken. First and foremost, there was a need to act on the recognition that the mounting insecurity problem could not be solved through military means alone. A political solution was required, one that would entail making the political transition process more inclusive. That also meant empowering Iraqi institutions to take the decisions that would shape the political and economic future of their country. In order to command widespread support, those institutions needed to function effectively and transparently. Political steps of that kind would make it clearer that the foreign occupation of Iraq was to be short-lived and that it would soon give way to a fully fledged Iraqi Government, hence making it more difficult for insurgents to rally support for their cause.

Third, intensified efforts by Coalition forces to demonstrate that they were adhering to international humanitarian law and human rights instruments would make it much more difficult for the insurgents to rally support for their cause. Fourth, it was essential that all those in the international community who were in a position to support the implementation of an Iraqi agenda should do so. The UN would not disengage from Iraq, even though most UN international staff had been temporarily relocated outside the country.

In a later report [S/2004/625], the Secretary-General said that the security environment in Iraq had not improved. On 30 December, the President of the Iraqi Governing Council requested the United Nations to help determine whether elections were feasible by 30 June 2004 and, if not, to identify alternative means of forming an interim Iraqi Government to which sovereignty could be restored. The Secretary-General planned to convene a meeting in January 2004 with representatives of the Governing Council and the Authority to deal with that request. IAMB was constituted in October 2003 and held an organizational session on 5 December in New York when it was agreed that the Secretary-General’s representative on the Board, Jean-Pierre Halbwachs, would chair it for a term of no more than one year. The Board oversaw the audits conducted by international accounting firms to ensure that the Development Fund for Iraq was used in a transparent manner for the purposes set out in resolution 1483(2003) and that oil export sales were made consistent with prevailing international market best practices.

Security Council consideration (16 December). On 16 December [meeting 4883], the Council was briefed by the Secretary-General on his December report.

Noting that the Council was meeting three days after the capture by Coalition forces of Saddam Hussein, the Secretary-General said that the capture was not just a symbol of the downfall of the former Iraqi regime, but also an opportunity for a new beginning in the vital task of helping Iraqis to take control of their destiny. The task of restoring the effective exercise of sovereignty to Iraqis, in the form of a provisional Government, was urgent. It was essential that the process leading to the formation of a provisional Government be fully inclusive and transparent. It was also right that Saddam Hussein should be held accountable for past deeds, through a procedure that met the highest international standards of due process. Accounting for the past would be an important part of bringing about national reconciliation. Owing to the persistent security
concerns and the temporary relocation of staff outside Iraq, the Organization would need to find creative ways of intensifying its engagement despite diminished capacity on the ground, as explained in the December report. Iraq was likely to remain a difficult environment and the international community should not expect that the end of the occupation and formation of a provisional Government would automatically bring about an end to insecurity, even though that should bring some improvement. There was no panacea; only a credible and inclusive transition offered the best hope of stability and of political mobilization by Iraqis against the violence.

Iraq presented to the Council the timetable set out in the 15 November agreement on political process signed between the Iraqi Governing Council and the Coalition Authority (see p. 354). Iraq stated that Saddam Hussein had to answer to the Iraqi people for his crimes against humanity. At last Iraq could begin the long-overdue healing process of seeking unity and national reconciliation.

The Security Council, in a closed meeting held on the same day [meeting 4884], held a constructive exchange of views with the Minister for Foreign Affairs of Iraq, Hoshya Zebari.

Communication (17 December). On 17 December [S/2003/190], the EU informed the Secretary-General that it welcomed the capture of Saddam Hussein as a crucial further step towards peace, stability and democracy in Iraq and in the region.

In a later communication [A/58/673-S/2004/7], Kuwait transmitted to the Secretary-General the texts of the closing statement and of the Kuwait Declaration that were adopted by the Supreme Council of the Gulf Cooperation Council at its twenty-fourth session (Kuwait, 21-22 December). The Supreme Council rejected any attempt to dismember Iraq and stressed the importance of a vital role for the United Nations in the country. It also expressed satisfaction with the new direction in United States policy aimed at accelerating the handover of power to Iraqis.

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**Iraq-Kuwait**

POWs, Kuwaiti property and missing persons

Communication (February). On 10 February [S/2003/162], Iraq informed the Secretary-General that on 3 February it had handed over Kuwaiti archives and property to Kuwait.

Reports of Secretary-General (April, June, August, December). Pursuant to Security Council resolution 1284(1999) [YUN 1999, p. 230], the Secretary-General submitted reports in April [S/2003/49], June [S/2003/64], August [S/2003/85] and December [S/2003/106] 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 1999, p. 189]. The High-level Coordinator for compliance by Iraq with its obligations regarding the return of Kuwaiti nationals and property, Yuli M. Vorontsov (Russian Federation), regularly briefed the Security Council throughout the year.

In April, the Secretary-General observed that some progress had been achieved with the resumption of the meetings of the Technical Subcommittee of the Tripartite Commission, with five being held since the beginning of 2003. However, no concrete results had been achieved. The meetings were interrupted owing to the outbreak of the conflict in Iraq on 20 March. The Subcommittee was established in 1994 to expedite the search for all persons for whom inquiry files had been opened. The Commission, established in 1991 under ICRC auspices, dealt with the questions of persons still unaccounted for, and was made up of representatives of France, Iraq, Kuwait, Saudi Arabia, the United Kingdom and the United States. 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). In December 2002, Iraq had expressed its willingness to resume participation in the Technical Subcommittee, and an Iraqi delegation, for the first time since 1998, participated on the sidelines of the Tripartite Commission’s meeting.

In his June report, the Secretary-General said that prior to the outbreak of hostilities in Iraq, the then Government of Iraq demonstrated some limited cooperation on the return of Kuwaiti property. However, while some property and some documents were handed over, the Kuwaiti archives, along with Kuwaiti military equipment seized by Iraq, remained largely unreturned. Council resolution 1483(2003) of 22 May (see p. 338) directed the High-level Coordinator to proceed with his duties in fulfillment of his mandate. Lists of Kuwaiti property returned on 22 December 2002 and 3 February 2003 were attached to the report.

In August, the Secretary-General said that the Coalition’s discovery of mass graves in Iraq and the subsequent identification of remains, including those of Kuwaiti missing persons, had brought...
to light the atrocities perpetrated by the previous Iraqi regime. The Tripartite Commission had formulated procedures to exhume and identify the mortal remains of missing Kuwaitis at its Technical Subcommittee meetings. The Secretary-General encouraged continuing collaboration between Iraq and Kuwait within the framework of the Tripartite Commission and ICRC. He said that in the light of the ongoing progress, the Council might wish to consider bringing the High-level Coordinator’s mandate to a close with the submission of the December 2003 report on the repatriation and return of all Kuwaitis and third-country nationals or their remains.

In December, the Secretary-General said that after many years of manoeuvring and denial by the previous Iraqi Government, a grim truth was unfolding itself. The discovery of mass graves in Iraq containing the mortal remains of Kuwaitis was a gruesome and devastating development. While hope had not faded that some of the 605 persons in question would be found alive, the prospects for that to happen were diminishing. There was also the possibility that the fate of many individuals would remain unknown for many years to come, if it was ever to emerge. The Secretary-General said that the removal from Kuwait of civilians, their execution in cold blood in remote sites in Iraq, and a decade-long cover-up of the truth constituted a grave violation of human rights and international humanitarian law. Those responsible for the crimes, particularly those who ordered the executions, had to be brought to justice. He regretted that the Kuwaiti archives and military equipment had not been returned to the country. However, the fall of Saddam Hussein’s regime and the opening of avenues for direct contact between the parties concerned inspired hope for an early resolution of all outstanding questions. There was room for further progress towards a satisfactory solution of the remaining humanitarian concerns of the State and people of Kuwait, and more time would be needed and more efforts required before those concerns could be settled. Given the fact that not all files relating to the issues of Kuwaiti prisoners and third-country nationals and Kuwaiti properties had been completely closed, Kuwait had called on the United Nations to pursue and resolve those issues and was in favour of extending the High-level Coordinator’s mandate. The Secretary-General said that the Council would have to determine whether it would wish the mandate to continue.

In presidential statement S/PRST/2003/28 of 18 December (see below), the Council agreed that the High-level Coordinator’s mandate should continue.

SECURITY COUNCIL ACTION

On 18 December [meeting 4887], the Security Council was briefed by the Secretary-General’s High-level Coordinator. Following consultations among Council members, the President made statement S/PRST/2003/28 on behalf of the Council:

The Security Council today heard a briefing from Mr. Yuli Vorontsov, the Secretary-General’s High-level Coordinator, on the fourteenth report of the Secretary-General submitted in accordance with paragraph 14 of resolution 1284(1999).

The Council expressed its strong hope that those responsible for these horrendous crimes would be brought to justice.

The Council expressed its full support towards Mr. Vorontsov and for his tireless efforts on the issues of Kuwaiti and third-country nationals and the return of all Kuwaiti property. The Council agreed that his mandate should continue in accordance with paragraph 14 of resolution 1284(1999) of 17 December 1999.

The Council shared the views expressed by the Secretary-General in his report. The Council has strongly condemned the killing of Kuwaiti and third-country nationals by the previous Iraqi regime in violation of international law, especially the removal from Kuwait of civilian men and women, their execution in cold blood in remote sites in Iraq and a decade-long cover-up of the truth. The Council expressed its strong hope that those responsible for these horrendous crimes would be brought to justice.

The Council expressed its deep condolences to all of the families of the Kuwaiti and third-country nationals and expressed its continuing concern for the plight of the families of those persons whose whereabouts were still unknown.

The Council stressed the importance of the work of the Coalition Provisional Authority, the International Committee of the Red Cross, the Tripartite Commission and its Technical Subcommittee and called upon all parties concerned to continue to work towards a satisfactory solution to all of the outstanding humanitarian aspects covered by Mr. Vorontsov’s mandate.

The Council expressed its deep regret that Kuwaiti property, including its national archives, had not yet been returned to Kuwait and encouraged the Coalition Provisional Authority and other parties concerned to continue their commitment to the search for and return of all Kuwaiti properties and archives, in accordance with paragraph 6 of resolution H83(2003) of 22 May 2003. The Council agreed to continue to keep Mr. Vorontsov’s mandate under review and looked forward to receiving his next report.

Later communication. Kuwait transmitted to the Secretary-General the texts of the closing statement and of the Kuwait Declaration that were adopted by the Supreme Council of the Gulf Cooperation Council at its twenty-fourth session (Kuwait, 21-22 December). The Supreme Council applauded the statement made by the Security Council President on 18 December, praised the efforts of ICRC and the Technical
Subcommittee, and appealed to all parties concerned to continue their joint efforts to resolve the outstanding problems related to the repatriation or return of all Kuwaiti and third-country nationals or their remains.

**UN Iraq-Kuwait Observation Mission**

In March, just before the United States-led invasion of Iraq from Kuwait, the mandate of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) was suspended and most of its staff evacuated. UNIKOM maintained a small rear headquarters in Kuwait City to provide a peacekeeping presence, undertake political and military liaison functions, and support UN humanitarian assistance programmes for Iraq. On 25 March [S/2003/367], Kuwait informed the Security Council President that between 20 and 24 March, Iraq had launched 11 missiles, including a Scud missile, against Kuwait. While much of UNIKOM headquarters at Umm Qasr and other infrastructure were destroyed in the conflict, Camp Khor, on the Kuwaiti side of the border, reopened in May to support humanitarian operations. On 3 July, the Security Council, in resolution 1490 (2003) (see p. 359), noted that UNIKOM had successfully fulfilled its mandate from 1991 to 2003 and extended it for a final period of three months, up to 6 October 2003. Also, on 6 October, the Council decided to end the demilitarized zone (DMZ), an area about 200 to 240 kilometres long and extending 10 kilometres into Iraq and 5 kilometres into Kuwait from the Iraq-Kuwait border.

UNIKOM, established by Security Council resolution 687(1991) [YUN 1991, p. 172], discharged its functions until October in accordance with its terms of reference, as expanded by resolution 806(1993) [YUN 1993, p. 466]. Until March 2003, UNIKOM operations involved surveillance, control, investigation and liaison. Surveillance of the DMZ was based on ground and air patrols and observation points. Control operations included static checkpoints, random checks and maintenance of a mobile reserve force. For operational purposes, the DMZ was divided into 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, 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.

By a 6 January letter to the Council President [S/2003/27], the Secretary-General proposed to appoint Brigadier General Franciszek Gagor (Poland) as UNIKOM’s Force Commander, replacing Major General Miguel Angel Moreno (Argentina).

On 9 January [S/2005/28], the Council took note of the Secretary-General’s proposal.

Major General Gagor left the Mission area on 7 July and the Chief of Staff, Brigadier General Upinder Singh Klair (India), was appointed Head of Mission.

**Reports of Secretary-General (March, June, October)**. UNIKOM’s activities were described in three reports of the Secretary-General, covering the periods 16 September 2002 to 21 March 2003 [S/2003/993 & Add.1], 22 March to 15 June [S/2003/656] and 16 June to 1 October [S/2005/933].

In the March report, the Secretary-General said that during the period under review, the situation along the border between Iraq and Kuwait became increasingly tense owing to the massive military build-up on the Kuwaiti side of the border. UNIKOM continued to carry out its responsibilities and contributed to the maintenance of stability in the border region until 17 March, when conditions on the ground dictated withdrawal of most of the Mission for security reasons. A small headquarters, consisting of 12 military officers, 20 essential civilian staff and some local staff, remained in Kuwait City. UNIKOM’s personnel had been dispersed temporarily and the timing of their return to their assignments would be decided in consultation with the Council. The Secretary-General recommended that the residual peacekeeping presence in Kuwait City be maintained at an appropriate level for a further three months, until 6 July 2003.

In June, the Secretary-General said that the Mission continued to maintain its rear headquarters in Kuwait City to ensure a peacekeeping presence in the UNIKOM area of operations. It undertook high-level military and political liaison duties, retained a capacity to conduct contingency planning for a continued or modified operation, undertook residual tasks for the Mission, such as recovery, reconciliation and disposal of assets, and provided support to other entities of the UN system in the region. Most of UNIKOM’s
property and premises on the Iraqi side of the DMZ were totally destroyed or stolen during or soon after the military conflict. The Secretary-General said that since the conflict in Iraq had subsided, and following the adoption of UN resolution 1483(2003) (see p. 358), the Council might wish to consider whether the continued presence of UNIKOM in Kuwait with a suspended mandate and in changed circumstances was still desirable. In those altered conditions, he recommended that the residual peacekeeping presence of UNIKOM be maintained for a final three months, until 6 October 2003, when the Mission would be closed. During that period, UNIKOM would scale down its military presence to a minimum, continue to provide support from both the Kheitan Support Centre and Camp Khor to humanitarian assistance operations in Iraq, maintain liaison with Kuwaiti authorities, undertake the reconciliation and liquidation of UNIKOM assets and, most importantly, make appropriate arrangements for handing over its activities in assistance to humanitarian operations to other entities in the area. That would also allow more time for the assessment of the security situation in the Mission’s former area of operations, as requested by Kuwait.

In his October report, the Secretary-General said that UNIKOM continued to reduce its staff and finalized preparations for the liquidation of its assets as part of its final mandate period authorized in Council resolution 1490(2003) (see below). It also provided support to humanitarian assistance operations in Iraq and made arrangements for the handover of its facilities to the host country and UN agencies in Kuwait. UNIKOM expected that the technical liquidation of its activities would be completed one month after the closure of the Mission. After the 19 August attack against the UN headquarters in Baghdad, UNIKOM provided urgently needed assets, such as prefabricated accommodations, supplies, water tanks and communications equipment, for the continuation of UN operations in Baghdad. The Secretary-General said that in its last phase, as a residual peacekeeping presence operating in a difficult environment affected by the conflict in Iraq from mid-March until the completion of its mandate on 6 October, UNIKOM proved to be a significant source of support for humanitarian agencies deployed in Iraq and Kuwait.

Communications. In two separate letters addressed to the Secretary-General dated 14 March [S/2003/39] and 16 March [S/2003/37], Iraq said that the UN decision to withdraw UNIKOM observers from their posts along the Iraqi-Kuwaiti border was inconsistent with the Organization’s responsibility to maintain peace and security and a violation of relevant Council resolutions.

Security Council consideration (2-3 April)
On 2 April, in a closed meeting [meeting 4735], the Council heard a briefing by the UN Assistant Secretary-General for Peacekeeping Operations and had a constructive exchange of views with representatives of the troop-contributing countries to UNIKOM.

On 3 April [S/2003/400], the Council concurred with the Secretary-General’s recommendation, expressed in his March report (see above), that a peacekeeping presence be retained at an appropriate level for a further three months, until 6 July 2003.

Security Council action

The Security Council,
Taking note of the report of the Secretary-General of 17 June 2003 on the United Nations Iraq-Kuwait Observation Mission,
Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq and Kuwait,
Recognizing that the continued operation of the Mission and of a demilitarized zone established pursuant to resolution 687(1991) is no longer necessary to protect against threats to international security posed by Iraqi actions against Kuwait,
Expressing its appreciation for the substantial voluntary contributions made to the Mission by the Government of Kuwait,
Commending the superior role played by personnel of the Mission and the Department of Peacekeeping Operations of the Secretariat, and noting that the Mission successfully fulfilled its mandate from 1991 to 2003,
Acting under Chapter VII of the Charter of the United Nations,
1. Decides to continue the mandate of the United Nations Iraq-Kuwait Observation Mission for a final period, until 6 October 2003;
2. Directs the Secretary-General to negotiate the transfer of non-removable property of the Mission and of those assets that cannot be disposed of otherwise to the States of Kuwait and Iraq, as appropriate;
3. Decides to end the demilitarized zone extending 10 kilometres into Iraq and 5 kilometres into Kuwait from the Iraq-Kuwait border at the end of mandate of the Mission on 6 October 2003;
4. Requests the Secretary-General to report to the Security Council on the completion of the mandate of the Mission;
5. Expresses its appreciation of the decision of the Government of Kuwait to defray, since 1 November 1993, two thirds of the cost of the Mission;
6. Decides to remain seized of the matter.

Financing

On 18 June [meeting 90], the General Assembly considered the Secretary-General’s reports on UNIKOM’s budget for the period from 1 July 2003 to 30 June 2002 [A/57/665 & Corr.1], the performance report on the budget for the period from 1 July 2001 to 30 June 2002 [A/57/665], the overview of the financing of UN peacekeeping operations: budget performance for the period from 1 July 2001 to 30 June 2002 and budget for the period from 1 July 2003 to 30 June 2004 [A/57/725], and the financing of UNIKOM for the period from 1 July 2001 to 30 June 2004 [A/57/881], together with the related reports of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on the administrative and budgetary aspects of the financing of UN peacekeeping operations [A/57/772] and on the financing of UNIKOM [A/57/815]. On the recommendation of the Fifth (Administrative and Budgetary) Committee [A/57/833], the Assembly adopted resolution 57/330 without vote [agenda item 132(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 45/260 of 3 May 1991 on the financing of the Observation Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 56/297 of 27 June 2002,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 45/84(IV) of 27 June 1995, 50/310(XXVIII) of 11 December 1997 and 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 fulfill its responsibilities under the relevant resolutions of the Security Council,

I. Takes note of the status of contributions to the United Nations Iraq-Kuwait Observation Mission as at 31 March 2003, including the contributions outstanding in the amount of 10.2 million United States dollars, representing some 3 per cent of the total assessed contributions, notes with concern that only thirty-six 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;

II. 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;

III. Expresses its appreciation to those Member States 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 Observation Mission in full;

IV. 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;

V. 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;

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

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

VIII. 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;

IX. Endorses the recommendation contained in paragraph 5 of the report of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure its full implementation;

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

XI. 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 2001 to 30 June 2002

12. Decides to continue its consideration of the report of the Secretary-General on the financial performance of the Observation Mission for the period from 1 July 2001 to 30 June 2002, and of the treatment of the unencumbered balance and other income in the total amount of 6,443,300 dollars in respect of the financial period ended 30 June 2002, at the main part of its fifty-eighth session;

Budget estimates for the period from 1 July 2003 to 30 June 2004

13. Takes note of the report of the Secretary-General on the budget of the Observation Mission and the note by the Secretary-General on the financing of the Ob-
servation Mission for the period from 1 July 2003 to 30 June 2004.

14. Authorizes the Secretary-General to enter into commitments in an amount not exceeding 12 million dollars for the period from 1 July to 31 October 2003, to be financed from the accumulated fund balance in the Special Account for the United Nations Iraq-Kuwait Observation Mission;

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

16. 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;

17. 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;


Also on 23 December, the Assembly decided that the item on the financing of activities arising from resolution 687(1991) remained for consideration at the fifty-eighth session (decision 58/565).

Arms and related sanctions

Sanctions Committee activities


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. 188] for facilitating full international implementation of resolution 687 (1991) (ibid., p. 172). The reports were transmitted to the Council on 16 January [S/2003/61], 25 April [S/2003/507], 14 July [S/2003/714] and 10 October [S/2003/1032]. 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) and no international organization had reported any relevant information requested under the guidelines. The October report noted that since April 2003, the situation concerning Iraq had undergone fundamental changes and the Council had lifted all prohibitions related to trade with Iraq. However, prohibitions related to the sale or supply to Iraq of arms and related material were still in place; hence the Committee had continued to submit its reports and would continue to fulfil its mandate until the termination of its work on 21 November.

Security Council consideration (22 December). On 22 December [meeting 4888], the Security Council heard a presentation by the Chairman of the Sanctions Committee for Iraq who noted that the Committee had been terminated on 21 November, in accordance with Council resolution 1483(2003), after 13 years of a comprehensive sanctions regime. As a subsidiary organ of the Council, the Committee had executed the political decisions of the Council as manifested in relevant Council resolutions. The Committee's mandate comprised two major elements: the implementation and supervision of the sanctions regime against Iraq and the humanitarian oil-for-food programme. Confronted with the interruption of the programme in March due to the military conflict, the Council adopted resolution 1472(2003) (see p. 363), which allowed humanitarian emergency deliveries out of the existing pipeline of approved contracts. The adoption of the resolution on 28 March was the first time that the Council achieved consensus on an issue related to Iraq after months of division. After the war and adoption of resolution 1483(2003) on 22 May, the Committee was tasked to supervise the transitional process leading to the termination of the oil-for-food programme on 21 November and the transfer of all responsibilities from the Office of the Iraq Programme to the Coalition Provisional Authority. The Committee also fulfilled its additional new task pursuant to paragraphs 19 and 23 of resolution 1483(2003) relating to funds or other assets or resources that had been removed from Iraq or acquired by Saddam Hussein or other officials of the former regime (see also p. 362). On 11 June, the Committee adopted guidelines to identify individuals and entities whose financial assets should be transferred to the Development Fund for Iraq; on 26 June, a first list of such individuals was adopted by the
Committee and a list of respective entities followed on 21 November.

Establishment of Security Council Committee pursuant to resolution 1483(2003)

On 21 November, the Council unanimously adopted resolution 1518(2003). The draft was submitted by Bulgaria, Chile, Guinea, Spain, the United Kingdom and the United States. Council members had before them two press releases from the Sanctions Committee, dated 12 June and 29 July, which set the guidelines and definitions for the application of paragraphs 19 and 23 of resolution 1483(2003) (see p. 338).

The Security Council,
Recalling all of its relevant resolutions,
Recalling further its earlier decision in resolution 1483(2003) of 22 May 2003 to terminate the Security Council Committee established by resolution 661 (1990),
Stressing the importance of all Member States fulfilling their obligations under paragraph 10 of resolution 1483(2003),
Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,
Acting under Chapter VII of the Charter of the United Nations,

1. Decides to establish, with immediate effect, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all members of the Council, to continue to identify pursuant to paragraph 19 of resolution 1483(2003) individuals and entities referred to in paragraph 19 of that resolution, including by updating the list of individuals and entities that have already been identified by the Committee established pursuant to paragraph 6 of resolution 661 (1990), and to report on its work to the Council;

2. Decides also to adopt the guidelines and definitions previously agreed by the Committee established pursuant to paragraph 6 of resolution 661 (1990) to implement the provisions of paragraphs 19 and 23 of resolution 1483(2003), and decides that the guidelines and definitions can be amended by the Committee in the light of further considerations;

3. Decides further that the mandate of the Committee referred to in paragraph 1 above shall be kept under review, and decides to consider the possible authorization of the additional task of observing fulfilment by Member States of their obligations under paragraph 10 of resolution 1483(2003);

4. Decides to remain seized of the matter.

Speaking after the vote, France said that the adopted resolution created a new committee in charge of taking over from the Sanctions Committee pursuant to Council resolution 661 (1990), in order to ensure the follow-up of the implementation of freezes and transfers of the financial assets of the Government of Saddam Hussein and of high officials of his regime, as provided for in resolution 1483(2003). It was important to ensure, from a practical and technical standpoint, the continuity of the monitoring of the implementation of those financial sanctions. France stressed that for reasons of principle related to the coherence of the Council’s practice in monitoring the implementation of sanctions, and bearing in mind the situation in Iraq, it would seem particularly desirable to broaden the mandate of the new committee as soon as possible to include monitoring the arms embargo.

Oil-for-food programme

In accordance with Security Council resolution 1483(2003) (see p. 338), the oil-for-food programme was phased out over a six-month period and terminated on 21 November 2003. Responsibility for the administration of any remaining programme activities was transferred to the Coalition Provisional Authority. The programme, established by Council resolution 986(1995) [YUN 1995, p. 475], authorized States to import Iraqi petroleum and petroleum products as a temporary measure to finance humanitarian assistance, thereby alleviating the adverse consequences of the sanctions regime on the Iraqi people.

Phase XII

Sanctions Committee report. The Sanctions Committee report for phase XII, 30 May to 4 December 2002, of the oil-for-food programme was transmitted to the Council President on 3 March, issues considered by the Committee included the sale of petroleum and petroleum products, humanitarian supplies to Iraq, and matters relating to oil-industry spare parts and equipment for Iraq. The Committee also held formal and informal meetings to discuss various issues related to the humanitarian situation in Iraq and implementation of the oil-for-food programme. 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 31 October 2002, the oil overseers, on behalf of the Committee, had approved 192 oil contracts involving purchasers from 41 countries. The total quantity of oil approved for export under those contracts corresponded to 475 million barrels, with an estimated value of 11.5 billion euros. The contracted amount exceeded the Iraqi export capacity during the phase and the actual volume of oil lifted was expected to be substantially lower. The average rate of Iraqi crude oil exports from the start of the phase until 31 Oc-
tober was only 1.14 million barrels per day, representing about half of the assumed achievable and sustainable export level of 2.1 million barrels per day. Applications received as at 31 October for exports of humanitarian supplies to Iraq under phase XI totalled 1,897, of which 1,418 were approved by the Committee. From the beginning of phase XII until 31 October, 716 applications were received, of which 502 were approved. From the beginning of the programme up to 31 October 2002, 10,063 applications had been approved, with a total value of $22.34 billion. The work of confirmation of goods arrival by the independent inspection agents (Cotecna) continued at five entry points to Iraq. From the beginning of the process to 31 October, the total allocation for oil-industry spare parts and equipment amounted to $4.8 billion. Although the Multinational Interception Force reported a significant reduction in illegal oil exports from Iraq by sea in 2002, oil smuggling continued on a decreasing scale in the Gulf area.

Phase XIII


Communications (21-28 March). On 21 March [S/2003/358], Iraq condemned the submission by the UN Secretariat of a draft resolution containing changes to be made in the oil-for-food programme.

On 28 March [S/2003/389], Iraq informed the Council President that any discussion of an amendment to the 1996 Memorandum of Understanding between Iraq and the UN Secretariat without Iraq’s participation was a violation of Council resolution 986(1995) and brooked no justification whatsoever.

SECURITY COUNCIL ACTION (March)

On 28 March [meeting 4732], the Security Council unanimously adopted resolution 1472(2003). The draft [S/2003/381] was submitted by Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, the Russian Federation, Spain, the United Kingdom and the United States.

The Security Council,
Noting that under the provisions of article 55 of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the fullest extent of the means available to it, the occupying Power has the duty of ensuring the food and medical supplies of the population, and should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate,
Convinced of the urgent need to continue to provide humanitarian relief to the people of Iraq throughout the country on an equitable basis, and of the need to extend such humanitarian relief measures to the people of Iraq who leave the country as a result of hostilities,
Noting the decision taken by the Secretary-General on 17 March 2003 to withdraw all United Nations and international staff tasked with the implementation of the “Oil-for-Food” Programme (hereinafter “the Programme”) established pursuant to resolution 986 (1995),
Stressing the necessity to make every effort to sustain the operation of the present national food basket distribution network,
Stressing also the need for consideration of a further reassessment of the Programme during and after the emergency phase,
Reaffirming the respect for the right of the people of Iraq to determine their own political future and to control their own natural resources,
Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,
Acting under Chapter VII of the Charter of the United Nations,
1. Requests all parties concerned to abide strictly by their obligations under international law, in particular the Geneva Conventions of 1949 and the Regulations concerning the Laws and Customs of War on Land, adopted at The Hague on 18 October 1907, including those relating to the essential civilian needs of the people of Iraq, both inside and outside Iraq,
2. Calls upon the international community also to provide immediate humanitarian assistance to the people of Iraq, both inside and outside Iraq in consultation with relevant States, and in particular to respond immediately to any future humanitarian appeal of the United Nations, and supports the activities of the In-
ternational Committee of the Red Cross and other international humanitarian organizations;

3. Recognizes that additionally, in view of the exceptional circumstances prevailing currently in Iraq, on an interim and exceptional basis, technical and temporary adjustments should be made to the Programme so as to ensure the implementation of the approved funded and non-funded contracts concluded by the Government of Iraq for the humanitarian relief of the people of Iraq, including to meet the needs of refugees and internally displaced persons, in accordance with the present resolution;

4. Authorizes the Secretary-General and representatives designated by him to undertake as an urgent first step, and with the necessary coordination, the following measures:
   (a) To establish alternative locations, both inside and outside Iraq, in consultation with the respective Governments, for the delivery, inspection and authentication of humanitarian supplies and equipment provided under the Programme, as well as to redirect shipments of goods to those locations, as necessary;
   (b) To review, as a matter of urgency, the approved funded and non-funded contracts concluded by the Government of Iraq to determine the relative priorities of the need for adequate medicine, health supplies, foodstuffs and other materials and supplies for essential civilian needs represented in these contracts, which can be shipped within the period of the present mandate, to proceed with these contracts in accordance with such priorities;
   (c) To contact suppliers of these contracts to determine the precise location of contracted goods and, when necessary, to require suppliers to delay, accelerate or divert shipments;
   (d) To negotiate and agree upon necessary adjustments in the terms or conditions of these contracts and their respective letters of credit and to implement the measures referred to in paragraphs 4 (a), (b) and (c), notwithstanding distribution plans approved under the Programme;
   (e) To negotiate and execute new contracts for essential medical items under the Programme and to authorize issuance of the relevant letters of credit, notwith standing approval of distribution plans provided for in the Programme and subject to the approval of the Security Council established by resolution 661 (1990);
   (f) To transfer unencumbered funds between the accounts created pursuant to paragraphs 8 (a) and (b) of resolution 986(1995) on an exceptional and reimbursable basis as necessary to ensure the delivery of essential humanitarian supplies to the people of Iraq and to use the funds in the escrow accounts referred to in paragraphs 8 (a) and (b) of resolution 986(1995) to implement the Programme as provided for in the present resolution, irrespective of the phase in which such funds are deposited in escrow accounts or the phase to which those funds may have been allocated;
   (g) To use, subject to procedures to be decided by the Committee prior to the end of the period set out in paragraph 10 below and based on recommendations provided by the Office of the Iraq Programme, funds deposited in the accounts created pursuant to paragraphs 8 (a) and (b) of resolution 986(1995), as necessary and appropriate, to compensate suppliers and shippers for agreed additional shipping, transportation and storage costs incurred as a result of diverting and delaying shipments as directed by him according to the provisions of paragraphs 4 (a), (b) and (c) in order to perform his functions set out in paragraph 4(d);
   (h) To meet additional operational and administrative costs resulting from the implementation of the temporarily modified Programme by the funds in the escrow account established pursuant to paragraph 8 (d) of resolution 986(1995) in the same manner as costs arising from those activities set forth in paragraph 8(d) of resolution 986(1995) in order to perform his functions set out in paragraph 4 (d);
   (i) To use funds deposited in the escrow accounts established pursuant to paragraphs 8 (a) and (b) of resolution 986(1995) for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986(1995) and related resolutions, including, where appropriate, the costs of milling, transportation and other costs necessary to facilitate the delivery of essential humanitarian supplies to the people of Iraq;

5. Expresses its readiness as a second step to authorize the Secretary-General to perform additional functions with the necessary coordination, as soon as the situation permits, as activities of the Programme in Iraq resume;

6. Expresses its readiness also to consider making additional funds available, including from the account created pursuant to paragraph 8 (c) of resolution 986(1995), on an exceptional and reimbursable basis, to meet further the humanitarian needs of the people of Iraq;

7. Decides that, notwithstanding the provisions of resolution 661 (1990) and resolution 687(1991) of 3 April 1991 and for the duration of the present resolution, all applications outside the Programme submitted by the United Nations agencies, programmes and funds, other international organizations and non-governmental organizations for distribution or use in Iraq of emergency humanitarian supplies and equipment, other than medicines, health supplies and foodstuffs, shall be reviewed by the Committee, under a 24-hour no-objection procedure;

8. Urges all parties concerned, consistent with the Geneva Conventions and the Hague Regulations, to allow full, unimpeded access by international humanitarian organizations to all people of Iraq in need of assistance, to make available all necessary facilities for their operations and to promote the safety, security and freedom of movement of United Nations and associated personnel and their assets, as well as personnel of humanitarian organizations in Iraq in meeting such needs;

9. Directs the Committee to monitor closely the implementation of the provisions of paragraph 4 above and, in that regard, requests the Secretary-General to update the Committee on the measures as they are being taken and to consult with the Committee on prioritization of contracts for shipments of goods, other than foodstuffs, medicines, health and water sanitation related supplies;
10. **Decides** that the provisions contained in paragraph 4 above shall remain in force for a period of 45 days following the date of adoption of the present resolution and may be subject to further renewal by the Council;

11. **Requests** the Secretary-General to take all measures required for the implementation of the present resolution and to report to the Council prior to the termination of the period defined in paragraph 10 above;

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

Speaking after the vote, the United States said it had full confidence that the Secretary-General and the UN Office of the Iraq Programme would effectively carry out the task of resuming the oil-for-food programme. The United States would facilitate the necessary coordination on the ground in Iraq between coalition authorities and the United Nations and associated relief agency staff, as oil-for-food supplies and other humanitarian assistance arrived and were distributed as circumstances on the ground permitted. It also added that it was gratified that the Council had been able to come together to take that step to meet the immediate humanitarian needs of the Iraqi people.

**Communication (31 March).** On 31 March [S/2003/396], the Russian Federation said that the adoption of resolution 1472(2003) did not alter the essence of the humanitarian programme, which had been operating for seven years on the basis of Council resolutions and the 1996 Memorandum of Understanding. It merely involved some procedural specifications pertaining to the operation of the programme for the purpose of promptly solving humanitarian problems caused by the war in Iraq. The adoption of the resolution did not mean a legitimization of the military action by the members of the coalition. Under international humanitarian law, the members of the coalition bore responsibility for solving humanitarian problems in the occupied territories.

**SECURITY COUNCIL ACTION (April)***

On 24 April [meeting 4745], the Council unanimously adopted resolution 1476(2003). The draft [S/2003/46] was prepared in consultations among Council members.

**The Security Council,**


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

1. **Decides** that the provisions contained in paragraph 4 of resolution 1472(2003) shall remain in force until 3 June 2003 and may be subject to further renewal by the Council;

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

**Communication.** On 24 April [S/2003/499], South Africa, on behalf of South African companies that held contracts under the oil-for-food programme, requested the Council President to provide more information regarding the temporary adjustments that were made to the programme pursuant to resolution 1472(2003) (see p. 363). The request related mainly to goods that were not identified as priority goods, but were already deemed eligible for payment.

**Report of Secretary-General (May).** In response to resolution 1447(2002), the Secretary-General submitted a 28 May progress report on phase XIII of the oil-for-food programme [S/2003/576]. The report provided information on all implementation aspects up to 29 May 2003.

The Secretary-General observed that since its inception in 1996, the programme had been implemented within the context of a rigorous sanctions regime. It had made a major difference in the daily lives of the Iraqi people, serving as a life-line to a large segment of the population. As at 20 May, oil proceeds since the start of the programme’s implementation totalled approximately $65 billion, of which more than $46 billion had been allocated to the humanitarian programme. A total of $38 billion had been apportioned to the 15 governorates of the centre and south and $8.11 billion to the three northern governorates. More than $28 billion worth of goods had been delivered to Iraq as a whole, including $13 billion for foodstuffs, $2.2 billion for food handling, $2.21 billion for medicines, $1.17 billion for water and sanitation, $2.01 billion for electricity, $2.9 billion for agriculture and irrigation, $1.66 billion for housing, $1.19 billion for transportation and telecommunications, $586 million for education and $1.6 billion for oil-industry spare parts and equipment. In addition, goods to the value of $9.4 billion were in the pipeline for the centre/south and $1.35 million for the three northern governorates. The implementation of programme activities during phase XIII was suspended temporarily due to the military conflict, which necessitated the withdrawal of UN international personnel from Iraq on 17 March. However, some activities continued to be undertaken by the UN national staff, especially with regard to the distribution of food and medical supplies. Despite precarious security conditions, an increasing number of UN international staff began returning to Iraq as of 4 April and resumed implementation of programme activities.
On 22 May, the Security Council, in resolution 1483(2003) (see p. 338), decided that, with the exception of prohibitions related to the sale or supply of arms and related materiel, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq would no longer apply. By the same resolution, the Council also decided to phase out the oil-for-food programme over a period of six months. The Secretary-General would continue to fulfil the responsibilities entrusted to him under resolutions 1472(2003) (see p. 365), in coordination with the Authority, and would terminate within that time period the programme’s operations and transfer responsibility for the administration of the remaining activities to the Authority.

**Report of Secretary-General (June).** Pursuant to paragraph 16 (c) of resolution 1483(2003), the Secretary-General submitted to the Security Council on 11 June a report [S/2003/640] on the estimated operating budget needed to ensure the continued functioning of activities associated with the implementation of that resolution, including the termination of the oil-for-food programme; the projected costs associated with restoring Iraqi government funds that were provided by Member States to the Secretary-General as requested in resolution 778(1992) [YUN 1992, p. 320]; and the projected costs associated with the Secretary-General’s Special Representative and the qualified representative to serve on the International Advisory and Monitoring Board (IAMB).

The Secretary-General said that, since the adoption of the resolution, the monitoring and observation tasks deriving from resolution 986(1995) [YUN 1995, p. 475] and the management of letters of credit in respect of oil sales had been discontinued. All substantive operations would be phased out within the six months following the adoption of resolution 1483(2003), including the handover of operational responsibilities and relevant documentation to the Authority/Iraqi interim administration. All UN agencies that supported the implementation of resolution 986(1995) would cease their activities by the end of November 2003. During that period, there would be a need to continue to provide administrative, financial, personnel, information technology, transport, technical, procurement, logistical and warehousing support. After 21 November, a limited number of administrative personnel would remain in Iraq to complete the necessary administrative tasks and close down at the field level; that phase was scheduled to be completed by the end of December 2003. With regard to the administrative tasks at respective agencies’ headquarters, it was anticipated that they would be completed by the end of March 2004. A limited number of staff would be required in New York until the end of June 2004.

With regard to letters of credit issued for the purchase of humanitarian supplies for the south/centre of Iraq, since they were irrevocable and non-transferable they would continue to be handled by the United Nations beyond 21 November and would therefore not be transferred to the Authority. As at 11 June, some 3,000 such letters of credit were outstanding, with a value of some $8 billion. The United Nations would retain responsibility for their administration until they were executed or they expired. Collateral for the full value of the letters of credit would be kept by the United Nations. Any balance left after the execution or expiration of such letters of credit would be transferred to the Development Fund for Iraq. For the period after 21 November, the Secretary-General would be making arrangements with the Authority to have the Authority designated as the entity authorized to give authenticated confirmation of the delivery of goods. Assuming that all deliveries were completed by 21 November under outstanding letters of credit, it was anticipated that all letters of credit would have been submitted, authenticated and processed by the end of June 2004; that would allow all financial transactions to be registered in 2004, a final financial statement for the whole operation to be prepared by December 2004 and a final external audit report to be prepared by April 2005.

**Political and security questions**

Given its complexity, it was difficult to evaluate fully, within the time given, the precise costs of effectively terminating the programme and handing over residual activities in an orderly manner. The best estimate for all known and projected costs to ensure the continued functioning of activities associated with the implementation of resolution 1483(2003), both at Headquarters and in the field, including the termination of the oil-for-food programme, were estimated at $106.6 million. Of that amount, $81 million related to the period ending 21 November; the remaining $25.6 million related to liquidation tasks. In addition, there was a need to have a contingency reserve to meet any potential costs that might arise but could not be identified in preparing the estimates. Such a contingency would be established at 15 per cent of the total estimated costs. The known and projected costs associated with restoring the Iraqi government funds that were provided by Member States to the Secretary-General as requested in resolution 778(1992) [YUN 1992, p. 320] were minimal. The restoration of funds to Member States as per paragraph 17 of
resolution 1483(2003) was under way. An amount of $404.9 million would be restored, $65.8 million of which would be refunded from balances remaining in the account and the remainder of $339.1 million would be funded from unencumbered funds in the accounts established pursuant to resolution 986(1995).

The costs associated with the Secretary-General’s Special Representative and his qualified representative to serve on IAMB should constitute expenses of the Organization rather than be funded from the account established pursuant to resolution 986(1995). No provision had therefore been made in that connection. The balance at the end of May 2003 in that account was estimated at $400 million. After deduction of the estimated operating budget ($106.6 million) and the contingency reserve ($16 million), the surplus available for transfer to the Development Fund for Iraq amounted to $277.4 million. Upon the final closing of the accounts and subsequent to their final audit, any balance remaining from the operational budget and/or the contingency fund would be transferred to the Development Fund for Iraq.

Security Council consideration (28 October). On 28 October [meeting 485], the Council was briefed by the Executive Director of the Office of the Iraq Programme (OIP), Benon Sevan.

Mr. Sevan said that the United Nations would terminate the oil-for-food programme on 21 November and would continue to facilitate a smooth handover to the Authority, in close cooperation with the relevant Iraqi authorities. In view of the common position taken by the United Nations and the Authority, he saw no alternative to the transfer of assets, ongoing operations and responsibility for the administration of and remaining activity under the programme to the Authority “as is”, together with the relevant documentation. Handing over a multi-billion-dollar programme of such complexity and magnitude in a six-month period, as mandated by resolution 1483(2003), would have been difficult even under the best of circumstances. Doing so under conditions of insecurity and reduced on-site staffing capacity required a degree of realism, understanding and pragmatism. Most of the phase-down activities had been undertaken in the three northern governorates, where the United Nations was responsible for the implementation of the programme on behalf of the former Government of Iraq. In the north, the handover involved the transfer of projects, assets, inventories and relevant documentation, contracts signed by the United Nations and its agencies with international and national contractors, in addition to an agreement with the Authority on liabilities and calculations concerning ongoing costs of projects after their handover to the Authority. Some $8.1 billion had been allocated to the three northern governorates since the start of the programme’s implementation in December 1996 [UN 1996, p. 225].

With regard to the 15 governorates in the centre and south of Iraq, prior to the war the UN role was limited primarily to monitoring and observing the distribution and utilization of humanitarian supplies provided under the programme. Handover arrangements for the centre and south involved a tripartite review by the United Nations, the Authority and relevant Iraqi authorities of all remaining contracts for humanitarian supplies and equipment submitted under the programme. The review had covered approved and fully-funded contracts, and also those approved but not funded. Adjustments had been made for alternative delivery and authentication sites to enable the delivery of supplies and equipment to Iraq. It was envisaged from the outset that those activities would take place inside Iraq. However, that scenario was undermined by chronic insecurity and, in particular, the 19 August terrorist attack on the UN headquarters in Baghdad. Given the reduction in UN personnel and the late deployment of a handover team by the Authority, the intended joint physical review of all programme assets by the United Nations, the Authority and the local authorities had not been possible. Accordingly, completed and ongoing projects and activities would be transferred to the Authority through dossiers prepared for each project and activity.

As at 27 October, 3,154 approved and funded contracts worth some $6.36 billion had been classified to have relative utility. The number of approved and funded contracts that had not been included in the final review was estimated to be 1,621, with a total value of $1.5 billion. Also, 273 approved but unfunded contracts worth some $700 million had been funded following determination of their relative utility and urgent need. There remained 3,399 approved but unfunded contracts, with a total value of $6.5 billion. Based on the essential needs of the Iraqi people, as identified by the United Nations, the Authority and relevant Iraqi authorities, and following the OIP Executive Director’s recommendation, the Sanctions Committee approved, on an exceptional basis, 13 projects for the procurement of items, with a total value of $459 million, not covered by approved and funded or unfunded contracts. As at October, UN agencies and programmes had arranged the delivery of goods worth $1 billion. Some of the goods were still at locations outside Iraq and if they could not be
delivered to Iraq by 21 November, arrangements would be made for their transfer to the Authority outside Iraq. A total of $398 billion worth of goods was established to be in transit to Iraq when the UN independent inspection agents were withdrawn in mid-March 2003 due to security conditions. A total value of $315 million for such goods had been prioritized and arrangements had been made for the suppliers of the remaining goods to be compensated. The independent inspection agent, Cotecna, was stationed at inspection sites on the withdrawal of goods agreed upon between the United Nations, the Authority and the relevant Iraqi authorities. However, due to the fact that Cotecna personnel were not permitted to operate at the port of Umm Qasr, the issuance of authenticated confirmation for goods destined for that port would need to be halted, unless the Authority provided appropriate indemnifications. The Authority had not provided OIP with information regarding contact points within the port or an update concerning any arrangements made to confirm the arrival of goods. Since 10 October, Cotecna had inspected 25 consignments under the revised authentication procedures, with no confirmation of receipt. If that matter was not urgently addressed, the confidence of suppliers in the authentication process could erode, which, in turn, could adversely affect the delivery pipeline. Furthermore, in July, the Authority was provided with details of 21 contracts in connection with which suppliers claimed to have provided services prior to the war, which could not be authenticated due to the withdrawal of Cotecna. Despite repeated reminders, the Authority had only been able to produce a negative response in connection with two of the contracts concerned.

The entire oil-for-food database would be transferred to the Authority on 21 November. The Authority needed to ensure that appropriate arrangements were in place, effective 22 November, for the management of the billions of dollars’ worth of supplies and equipment to Iraq from the programme’s delivery pipeline and for authenticating the arrival of those goods in order to facilitate payment to suppliers—perhaps through retention of Cotecna’s services by the Authority for a limited period after the termination of the programme. Each UN agency and programme had devised individual exit strategies, based on the levels of project implementation and the possible future humanitarian involvement of the organizations concerned under their respective regular programme activities. An agreement had been reached with the Authority for the funding of ongoing projects to be completed after 21 November. Special arrangements would need to be made for goods held or warehoused outside Iraq, largely in neighbouring States. Since the start of the programme in 1996, approximately $65 billion worth of oil was exported; more than $46 billion of that amount was allocated to the programme after deductions for other accounts pursuant to relevant resolutions. Under the programme, more than $30 billion worth of goods had been delivered to Iraq as a whole, including foodstuffs worth $12 billion; food handling worth $2.2 billion; water and sanitation worth $1.3 billion; electricity sector goods worth $2.2 billion; housing worth $1.7 billion; and, for the oil sector, goods worth $1.9 billion.

The United Kingdom said that the Authority and Iraqi ministry officials were engaged in developing an effective transition strategy to ensure the efficient delivery of goods as well as adequate warehousing and inventory management. The Authority would continue to honour its existing commitments to support the fulfilment of all prioritized contracts and was focused on designing a sustainable and predictable goods-authentication system that would pose no problems to suppliers.

Security Council consideration (20 November). On 20 November [meeting 4868], the Secretary-General addressed the Council, stating that it was meeting to mark the completion of one of the largest, most complex and unusual tasks that was ever entrusted to the UN Secretariat—the only humanitarian programme ever to have been funded entirely from resources belonging to the nation it was designed to help. In its nearly seven years of operation, the oil-for-food programme had been required to meet an almost impossible series of challenges, using some $46 billion of Iraqi export earnings on behalf of the Iraqi people. During those years, the programme delivered food rations sufficient to feed all 27 million residents of Iraq. As a result, the malnutrition rate among Iraqi children was reduced by 50 per cent, national vaccination campaigns reduced child mortality from preventable diseases and there had been no reported cases of polio in Iraq for almost three years. Electricity blackouts in Baghdad were reduced under peak summer loads and clean water became more available for personal use. The programme also enabled the overcrowded schools throughout the country to operate in two shifts instead of three. At midnight on 21 November, the United Nations would hand over all the programme’s responsibilities, together with the remaining funds and assets—assets ranging from schools to electrical power
stations and some $8.2 billion worth of food, medicines and other essential supplies—to the Authority. The actual delivery of those items would continue well into 2004. Any unspent or undisbursed amounts would be transferred to the Development Fund for Iraq after the programme’s closure. The Authority was making arrangements to transfer most of the 2,500 Iraqis who had been working for the United Nations in the three northern governorates to posts in the local government. The Secretary-General hoped that their colleagues serving in the centre and south of Iraq, over 800 of them in all, would receive similar consideration. He also said that the United Nations took pride in the fact that it had achieved an orderly handover of such a large and expensive programme on time and in spite of the insecurity in Iraq and the disruptive bomb attack on its headquarters in Baghdad. As the United Nations was closing the oil-for-food programme, it remained determined to continue helping Iraq’s long-suffering people.

SECURITY COUNCIL ACTION (November)

On 20 November [meeting 4868], following consultations among Security Council members, the President made statement S/PRST/2003/24 on behalf of the Council:

The Security Council has heard the statement by the Secretary-General and has considered the briefing by the Executive Director of the Office of the Iraq Programme on the termination on 21 November 2003 of the United Nations humanitarian programme for Iraq (“the Programme”) and the transfer of the responsibility for the administration of any remaining activity under the Programme to the Coalition Provisional Authority in Iraq in accordance with Council resolution 1483(2003) of 22 May 2003.

The Council underlines the exceptionally important role of the Programme in providing humanitarian assistance to the people of Iraq under the regime of sanctions imposed by the Council on the previous Government of Iraq. Under this unique programme the value of humanitarian goods delivered to Iraq during the period from December 1996 to March 2003 amounted to about 30 billion United States dollars. Those deliveries made it possible to provide to the Iraqi people essential foods and medicines, as well as to supply various equipment and materials for the key sectors of the Iraqi economy. Purchases under the Programme will in the next few months play a key role in the economic reconstruction of Iraq by providing vital goods in the amount of more than 6 billion United States dollars.

The Council expresses its deep gratitude to the Secretary-General, to the Office of the Iraq Programme, to United Nations personnel who worked on the ground in Iraq and to all other United Nations agencies and structures involved, and applauds their commitment and professionalism. It also thanks the chairmen and members of the Security Council Committee established by resolution 661(1990) for their dedicated efforts to implement the Programme since its inception, and in implementing resolution 1483(2003).

The Council emphasizes the need for continued international efforts aimed at the reconstruction of Iraq and, in this context, takes note with satisfaction of the statements made by the representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland on the measures which the Coalition Provisional Authority intends to take in order to continue the payment mechanisms and the deliveries under the Programme.

The Council recognizes the important role of the United Nations in coordinating the termination of the Programme, including the transfer at the earliest possible time of all surplus funds in the escrow accounts to the Development Fund for Iraq.


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. 189], continued in 2003 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-seventh (11-13 March) [S/2003/195], the forty-eighth (24-26 June) [S/2003/755], the forty-ninth (16-18 September) [S/2003/914] and the fiftieth (16-18 December) [S/2003/1265]—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 during the year included Iraq’s contribution to the Compensation Fund and arrangements for ensuring that payments were made into the Fund; the distribution of payments and transparency; and requests for late filings of claims.

Communication. In a 15 January letter to the Secretary-General [S/2003/57], Iraq drew attention to the fact that the Compensation Commission’s practices deprived Iraq of the exercise of its right of self-defence, due to the fact that it was not
given adequate time to answer claims submitted to it.

Other issues

Iraqi complaints

Iraq submitted several letters to the Secretary-General and the Security Council President on the military build-up and exercises carried out by United States and British armed forces from January to March 2003 near the DMZ between Iraq and Kuwait that was controlled by UNIKOM [S/2003/14, S/2003/107, S/2003/296].

Reaffirming its absolute rejection of the northern and southern air exclusion (no-fly) zones imposed by the United Kingdom and the United States, Iraq reported wanton military attacks by British and United States aircraft against Iraqi civilians and property, and condemned countries that provided the logistic support for those attacks, namely Kuwait and Turkey [S/2003/198].

In a series of letters to the Secretary-General, Iraq detailed violations of its international boundaries committed by British and United States warplanes flying across the DMZ [S/2003/58, S/2003/222]; violations of its territorial waters and provocation by United States naval forces [S/2003/89, S/2003/109, S/2003/123]; and violations of its airspace and international borders [S/2003/290, S/2003/310]. It also reported that during the period from 1 to 31 January 2003, it had found and disposed of 459 items of unexploded ordnance left behind during the 1991 conflict [S/2003/297].

Timor-Leste

During 2003, the United Nations worked to strengthen the newly established democratic institutions in Timor-Leste, which became an independent sovereign State in 2002. The United Nations Mission of Support in East Timor (UNMISET) assisted in developing the Timorese civil administration and police force, which gradually assumed greater responsibility for the management of day-to-day affairs in their respective areas. It also aided Timorese authorities with the investigation and prosecution of serious crimes. Violent attacks by armed elements in January and February 2003 led the Security Council to slow down UNMISET’s downsizing, in order to provide greater stability and allow for further development of Timorese police and military institutions. The Council extended UNMISET’s mandate for a further year, until 20 May 2004. Despite the remarkable progress achieved towards nationhood, Timor-Leste would continue to need international assistance in certain key areas after the end of UNMISET’s mandate.

Relations between Timor-Leste and Indonesia continued to develop and there was significant progress towards determining their joint border and making sustainable arrangements for its management, although the target date of 30 November for finalizing a provisional line for the border was not met. The two countries were also working towards, among other things, resolving residual refugee issues. The ratification of the Timor Sea Treaty between Timor-Leste and Australia, which would enable the exploitation of an offshore oil and gas field, was an important development for Timor-Leste’s financial recovery.

The Secretary-General’s Special Representative for Timor-Leste and UNMISET’s Head, Kamalesh Sharma, briefed the Security Council on UNMISET’s activities throughout the year.

UN Mission of Support in East Timor

UNMISET, established under Security Council resolution 1410(2002) [YUN 2002, p. 321], continued to carry out its mandate in Timor-Leste, which included providing assistance to the administrative, law enforcement and public security structures critical to the viability and political stability of Timor-Leste, in addition to contributing to the maintenance of its external and internal security. In the light of the rioting and violent attacks that took place in late 2002 and early 2003, the Security Council decided to slow the downsizing schedule for the military and police components of UNMISET. The Mission’s mandate was extended for a further year, until 20 May 2004.

On 14 July [S/2003/716], the Secretary-General informed the Council of his intention to appoint Lieutenant General Kharuddin Mat Yusof (Malaysia) as Force Commander of UNMISET effective 31 August, replacing Major General Huck Gim Tan (Singapore). On 17 July [S/2003/727], the Council took note of the Secretary-General’s intention.

Report of Secretary-General (March). Pursuant to Security Council resolution 1410(2002), the Secretary-General submitted a March special report [S/2003/215] on significant changes that had taken place in Timor-Leste since his 6 November 2002 report [YUN 2002, p. 325]. The events suggested the need for a review of the UNMISET downsizing schedule, as envisioned in resolution 1410(2002). Accordingly, he made specific proposals for adjustments to the downsizing plan to allow UNMISET to accomplish its mandated tasks by June 2004 within that changed environment.

The Secretary-General said that since November 2002, there had been a sharp increase in the
frequency and magnitude of security-related incidents, which demonstrated the scope of problems that could still emerge and the inadequacy of the means to address them, and they also suggested the need to adjust UNMISET’s downsizing plan. The potential for grave civil disturbance became clear when riots erupted in the capital, Dili, on 4 December 2002 [YUN 2002, p. 327]. Further armed attacks took place in January and February 2003. In addition, credible evidence suggested that former militias and armed groups were establishing bases within the country in order to undermine stability. Those who sought to generate unrest could draw upon a largely youthful and unskilled population, which suffered a very high rate of unemployment and had extensive exposure to violence in the past. That situation was exacerbated by elements within the former refugee population located in Indonesia close to the Tactical Coordination Line (TCL)—the informal boundary agreed to by the United Nations Transitional Administration in East Timor (UNTAET) and the Indonesian authorities pending formal demarcation of the border. Former militia elements retained a degree of influence among the approximately 28,000 former refugees remaining in Indonesia and were actively involved in cross-border trade. That threat was likely to remain extant throughout the remainder of the UNMISET mandate and beyond, although supportive actions by the Indonesian military could contribute to containing and mitigating it. The Indonesian Government had indicated that it intended to resettle former East Timorese refugees; voluntary migration to other provinces could significantly improve the security environment. While Indonesia had begun the process, it had been unable to implement it fully due to financial and other constraints.

The 30 June 2003 target date for a finalized agreement on a line that constituted the border remained in effect, but the accomplishment of that objective was not assured. A meeting of a technical group on border demarcation and regulation was scheduled to take place in March. Border delineation, and subsequent demarcation, if decided, were of great importance in terms of removing a potential irritant to future relations between Indonesia and Timor-Leste. At the same time, that issue was not a panacea for all security problems and even a well-defined border would remain porous. Indonesian military authorities had indicated that their policy was not to demilitarize their side of the border, where they would maintain a troop and not a border police presence. The Timor-Leste Government was nonetheless proceeding with plans for police and civilian authorities to assume responsibility for border management.

The deterioration in the security situation suggested that serious deficiencies in Timorese and international capabilities existed and that those deficiencies would be exacerbated if UNMISET continued to follow its downsizing plan. At least a year of further development was required before the Timorese police were in a position to address the more demanding kinds of problems that had emerged since November 2002. Their premature engagement in such activities ran the risk of weakening them and of lowering their public standing. UNMISET’s downsizing plans, if followed without change, would further weaken the Mission’s real and perceived ability to respond to security challenges. Adjustments were necessary if UNMISET was to maintain security effectively in the short term and prepare the Timorese agencies to assume their full responsibility in the future. At the request of the UN Department of Peacekeeping Operations, former Military Adviser Maurice Baril (Canada) led a review and assessment mission to UNMISET from 15 to 23 January, as the Department’s first Inspector-General. The mission’s aim was to review UNMISET’s capability to implement its mandate and to meet future challenges. The recommendations in the Secretary-General’s special report were supported by and drew upon General Baril’s findings regarding key areas where sustained or increased capacity was crucial for UNMISET to achieve its mandate.

UNMISET’s original downsizing plan was predicated on the assumption that the threat from former militia elements would gradually diminish, that new threats of a similar scale would not emerge and that major civil disturbances would not occur, so that challenges on the ground would be on a scale for which Timor-Leste security agencies could assume an increasing level of responsibility. However, in the evolving security situation, those earlier assumptions were no longer valid. The military component lacked the necessary capacity and mobility to address the threats and had inadequate ability to obtain and process information. If downsizing continued, significantly reduced troop density would not deter the security threat posed by armed bands in rural areas, while the diminished military presence in the westernmost districts would ease the task of criminals or other elements intent on moving illegally across the TCL. At the same time, UNMISET would face still greater obstacles in assisting in the event of large-scale civil disturbance. While planning for Timor-Leste police was being adjusted, the measures pro-
posed to enhance their capacity could produce results only by January 2004 at the earliest.

Adjustments to UNMISET's military strategy and configuration in a number of areas could promote stability and provide the time required for the Timorese security agencies to become operationally ready to assume their tasks. Those adjustments included: establishment within an extended zone adjacent to the TCL of a sufficient military presence to deter and respond to incursions and incidents until such time as the threat was effectively contained and the necessary Timorese capability to meet the threat was operational; maintenance of a security presence in other parts of Timor-Leste to assist the police in ensuring stability; improved ability to use information to assist in the tactical employment of the infantry forces available, in addition to greater coordination and exchange of information with UNMISET police and with Timor-Leste security agencies to improve effectiveness; improved air and land mobility to enable more effective use of forces available and timely response in the event of incidents requiring employment of peacekeeping forces; and promotion of relations with the public and improved public information capability to enhance understanding of the military component's role and to counter potential misinformation campaigns. Those adjustments would be adopted within the context of a simplified, two-phase plan for the military component's deployment until the conclusion of UNMISET's mandate.

During the first phase (March to December 2003), UNMISET would retain primary responsibility for ensuring security, addressing problems that surpassed the capability of Timor-Leste security agencies. A larger military presence would be maintained in an expanded area adjacent to the TCL. A sector headquarters would be maintained in the area to unify the command of forces deployed to limit incursions. Satisfactory progress was being made towards the planned handover of border crossing points in mid-2003 and a specialized Timor-Leste police border patrol unit would be deployed to its positions along the border by the end of June 2003. Those tasks would entail the maintenance of the military deployment at the March 2003 level of 3,870 troops, although the component would be reconfigured to emphasize the proposed adjustments. To ensure that a force of that limited size was capable of timely response, it would be essential for troop-contributing countries to provide the Force Commander with the flexibility required to employ the portion of his force best placed and equipped to undertake the tasks at hand. That phase would be concluded once the relevant Timor-Leste agencies had attained adequate operational capability to respond to threats to internal security, particularly within the border area, and to respond to armed threats elsewhere. The Timor-Leste Government was reviewing plans to enhance the capability of the Timor-Leste police in both areas, while their ability to respond to civil disturbance was also being developed.

In phase two (December 2003 to May 2004), UNMISET's military component would be reconfigured to act as a deterrent and to respond preventively to threats to the security environment. Other efforts would include operations to retain the trust and confidence of the people of Timor-Leste, in addition to close cooperation and information-sharing with Timor-Leste agencies. The military component would include 1,750 troops organized in two response battalions, one of which would be located in the west and the other centred in Dili. During that phase, final preparations would be made for the conclusion of the handover of defence responsibility to the Timor-Leste defence force (Falintil-FDTL) on 20 May 2004. On completion of the mandate, the peacekeeping force would cease operations and concentrate on the orderly extraction of remaining forces in the most expeditious manner possible.

The Timor-Leste Government was reviewing plans to strengthen the capability of its police force, which would offer a means for the Government to respond to major threats to public order without resorting to the use of the military. In that context, the composition and strength of UNMISET's police component and the schedule for its downsizing would be adjusted to enhance its operational capability to address civil disturbances. UNMISET’s adjustments would include: inclusion of an international formed police unit for one year, in order to deal with emergencies that exceeded the capacity of the Rapid Intervention Unit; additional training capacity to provide further training to the Timor-Leste police in crowd-control skills and other critical areas, such as forensics, tactical operations and border security; and further emphasis on human rights and the rule of law in UNMISET’s development and certification process. UNMISET's downsizing plan should also allow for the retention of a greater monitoring and advisory presence within districts that had been handed over to Timorese authorities. In downsizing, UNMISET would ensure that the handover would take place at a pace that did not jeopardize stability while showing sensitivity to the Government’s desire to assume responsibility for security issues as soon as it was feasible. Planning for the gradual transfer of policing authority to Timor-Leste would be ad-
justed to include safeguards and arrangements for command and control that would allow the military component to play an active role during the final phase of UNMISET’s mandate.

The Secretary-General observed that the proposed adjustments to UNMISET’s downsizing did not represent a change in the broad concept of operations of UNMISET, in its planned date of withdrawal or in its ultimate goal, which was the creation of a viable Timor-Leste State with an adequate and appropriate security capability. The impact of the adjustments would depend on the full commitment of the Timor-Leste leadership, collaboration with Indonesia and bilateral support. It was likely that further assistance would be required once UNMISET’s mandate was terminated. A number of options could be explored by Member States, including the deployment of qualified international police to key advisory positions within the Timor-Leste police through multilateral, regional or bilateral working arrangements with the Government. The Secretary-General said that the initial successful progress that was achieved in Timor-Leste may have led to the development of unrealistic expectations. It was preferable that the international community be reminded, before downsizing progressed beyond a point of no return, of the fragility of what had been achieved so far, despite the fact that Timor-Leste’s development towards statehood remained extraordinarily rapid.

Security Council consideration (March). On 10 March [meeting 4715], the Security Council discussed the situation in Timor-Leste, with particular reference to the Secretary-General’s March report. The UN Under-Secretary-General (USG) for Peacekeeping Operations, Jean-Marie Guéhenno, introduced the report.

The USG said that the special report was an effort to sound an alarm at a critical time, to indicate to the Council a number of worrisome developments and to recommend, in good time, realistic and prudent adjustments of UNMISET’s troop-reduction plans so as to reflect a situation on the ground that had changed and to protect the considerable investments that the international community had made in Timor-Leste. The Secretary-General’s recommendations were presented on the premise that it was easier and less expensive to pre-empt a problem than to try to fix one after it had occurred. The cost that was implied would be modest compared to the $1 billion to $2 billion that the international community had spent in Timor-Leste since 2000. The USG also drew attention to a positive development, which was the conclusion of the agreements and legislative processes in Timor-Leste and in Australia that should pave the way for exploitation of mineral resources in the Timor Sea and the sharing of revenues, 90 per cent being awarded to Timor-Leste. The development of those resources was of cardinal importance for Timor-Leste’s economic future.

Timor-Leste said it was not surprising that various pro-militia groups from across the border continued to agitate and provoke strife and violence, since the independence struggle was a difficult one that had lasted for decades. The attacks in the border area in January and February reflected a coordinated plan to destroy a nation created with the help of the Security Council and the international community. Timor-Leste wholeheartedly endorsed and supported the reassessment, recommendations and proposals contained in the Secretary-General’s March report, as it believed that the adjustments in downsizing would maximize UNMISET’s effectiveness. UNMISET’s contribution towards the objective of providing a secure and stable environment was significant and had to continue at the required levels while Timorese security forces developed to their full capacities.

Communication (April). On 3 April [S/2003/379], the United Kingdom transmitted to the Council President a 28 March letter from the USG for Peacekeeping Operations addressed to individual members of the Council in connection with UNMISET. The USG said that, at the 10 March Council meeting (see above), Member States had endorsed the broad objective of the recommendations in the Secretary-General’s report, namely, to reinforce UNMISET’s capability to develop Timor-Leste’s police force, while taking the necessary measures to ensure the short-term security and stability that were required for that training to succeed. At the same time, several States sought to review further possible adjustments to UNMISET’s military component. Through informal discussions, interested Member States subsequently explored with the UN Secretariat the kind of option that would address some concerns over the security situation in Timor-Leste and that could meet with the support of the Council. Those discussions suggested that such an option would include the retention of two battalions within regions adjoining the TCL, and a more gradual downsizing to 1,750 military peacekeepers in December 2003, and not the full retention of 3,870 military peacekeepers up to that period as was reflected in the Secretary-General’s report.

SECURITY COUNCIL ACTION (April)

On 4 April [meeting 4735], the Security Council unanimously adopted resolution 1473(2003). The
draft [S/2003/401] was prepared in consultations among Council members.

The Security Council,

Reaffirming its previous resolutions on the situation in Timor-Leste, in particular resolution H/Res/2002 of 17 May 2002,

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

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

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

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

Having considered the special report of the Secretary-General on the Mission of 3 March 2003,

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

1. Decides that the composition and strength of the police component of the United Nations Mission of Support in East Timor and the schedule for its downsizing shall be adjusted in line with paragraphs 35 and 35 of the special report of the Secretary-General and shall include the following specific measures:
   (a) The inclusion of an internationally formed unit for one year;
   (b) The provision of additional training capacity in key areas specified in the special report of the Secretary-General;
   (c) Greater emphasis on human rights and rule of law elements;
   (d) The retention of a greater monitoring and advisory presence in districts where policing authority has been handed over to the Timor-Leste police force;
   (e) Follow-up to the recommendations outlined in the report of the joint assessment mission on policing of November 2002;
   (f) Adjustment of planning for the gradual transfer of policing authority to the Timor-Leste police force;

2. Also decides that the schedule for the downsizing of the military component of the Mission for the period until December 2003 shall be adjusted in line with the letter dated 28 March 2003 from the Under-Secretary-General for Peacekeeping Operations addressed to the members of the Security Council; and, accordingly, that two battalions shall be retained within regions adjoining the Tactical Coordination Line during this period, together with associated force elements, including mobility; and that the number of military peacekeepers shall be reduced to 1,750 more gradually than was foreseen in resolution 1400(2002);

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

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

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

6. Decides to remain seized of the matter.


He said that the most striking development over the reporting period was the change in the security environment that had taken place in December and January. The search for a solution to those security problems should, however, be viewed in the context of the long-term process of establishing a viable independent State. The strengthening of Timor-Leste’s political institutions and a non-political administration, together with the progressive development of a culture of responsible governance and a tradition of pluralistic, democratic debate, were essential for the country’s stability and social and economic progress. During the reporting period, the Government of Timor-Leste had emphasized the importance of more open, participatory and accountable governance. Progress had been made in the development of the relationship between Indonesia and Timor-Leste. The new Ambassador of Timor-Leste had assumed his duties in Jakarta in February, and Indonesia had indicated that it would soon establish a formal embassy in Dili. The technical group for demarcation and regulation of the border between Indonesia and Timor-Leste (Dili, 18-20 March) suggested that approximately 80 per cent of the boundary between the countries could be agreed relatively easily after joint field verification. It nonetheless remained uncertain that the two countries would reach agreement by 30 June 2003 on a line that constituted a border, despite their formal commitment to that objective. Timor-Leste had also continued to develop its relationship with other States in the region and beyond. On 6 March, Timor-Leste and Australia concluded the International Unitisation Agreement on the Greater Sunrise field, straddling the Joint Petroleum Development Area in the Timor Gap, on the understanding that the Agreement did not prejudice their positions in the maritime boundary negotiations. On 2 April, the two countries ratified the Timor Sea Treaty (see p. 373).

During the reporting period, it became apparent that further assistance, especially bilateral contributions, would be required to complete the
tasks undertaken by UNMISET. The advisers in UNMISET’s Civilian Support Group continued to play a crucial role by transferring knowledge and skills to Timor-Leste counterparts, in addition to supporting the functioning of the administration. The Government had filled nearly 15,000 of 16,000 budgeted posts within the administration, which was showing increasing readiness to assume its full responsibilities.

UNMISET, in consultation with the Government of Timor-Leste and UNDP, was elaborating a strategic plan that identified areas of need where bilateral support could be required following the withdrawal of the Civilian Support Group. The plan’s main purpose was to facilitate the progressive replacement of civilian advisers with bilaterally funded counterparts as required, in order to maintain continuity of training.

The functioning of Timor-Leste’s judicial system continued to be hampered by severe shortages of skilled and experienced professional personnel and limited physical infrastructure. That had resulted in delays in the administration of justice, leading to prolonged pre-trial detention and detention without the necessary legal foundation, in addition to overcrowding in the prisons. A comprehensive justice sector support programme was being finalized and the five-member Superior Council of the Magistracy, responsible for the appointment, promotion, discipline and dismissal of judges, was constituted in February. However, that body was not yet operational, since the President of the Court of Appeal had not been sworn in. The Office of the Provedor for Human Rights and Justice, an independent institution provided for in the Constitution, was in the process of being established. UNMISET, through its Serious Crimes Unit, which was set up under UNTAET for the handling of cases of egregious crimes, assisted in the conduct of investigations of serious crimes, though its work had been slower than expected owing to constraints in the justice system. Continuing external assistance would be required after June 2004 to complete investigations, especially since the majority of those accused remained outside of Timor-Leste, including 90 per cent of those accused of crimes against humanity. Through its Human Rights Unit, UNMISET provided support and advice to the Commission for Reception, Truth and Reconciliation, which was conducting community reconciliation procedures and holding community discussions.

Over the reporting period, UNMISET continued to undertake executive policing while supporting the development of the National Police of Timor-Leste (PNTL), which had effectively undertaken the task of routine patrolling in 7 of Timor-Leste’s 13 districts. However, further efforts were required for PNTL to play the role in internal security that was envisaged by the country’s leadership. PNTL had to be ready to meet the evolving operational challenges posed by civil unrest and an apparent resurgence of activity by armed groups. Resource constraints remained significant but, more fundamentally, management and human resource policies for the force had yet to be developed. As provided for in resolution 1479(2003) (see p. 374), the adjustment of UNMISET’s capacity for police training in key areas, greater emphasis on human-rights and rule of law elements, and the retention of a greater monitoring and advisory presence in districts where policing authority had been handed over to PNTL were expected to contribute to enhancing the effectiveness, professionalism, accountability and responsiveness of PNTL. The operational responsibilities of civilian police would be reduced as responsibility for routine policing was handed over; that, in turn, would permit a gradual downsizing of UNMISET’s police component, from approximately 625 at the beginning of June 2003 to 325 at the beginning of 2004. Following the attacks of January 2003, the Government had encouraged the formation of village-based security groups to assist the police and military peacekeepers in addressing the threat posed by armed groups.

The military component of UNMISET continued to provide support for the external security and territorial integrity of Timor-Leste, while ensuring the timely handover of responsibilities to Falintil-FDTL and to relevant public administration departments. International military capability remained essential to promote security in the border area, and to provide a short-term response to the threats posed by armed groups, whose tactics, weapons and training exceeded the capacity of any other security force, while the Timorese forces obtained the necessary capability to assume that task. The Secretary-General said that within the capacity provided by UNMISET’s revised downsizing schedule, the military component would adopt the following strategy: improve its ability to use information to assist in the tactical employment of the infantry forces available; assist in greater coordination and exchange of information with UNMISET police and with Timor-Leste security agencies to improve effectiveness; promote relations with the public and enhance public understanding of the military component’s role; and make more effective use of the forces available and seek a more timely response in the event of incidents requiring employment of peacekeeping forces. The planned configuration of the military component...
would be adapted in several respects to facilitate that strategy. Rather than withdrawing from the Cova Lima district, forces in Sector West would continue to manage day-to-day operations in that sector. Additional flexibility would be facilitated by the assumption of responsibilities at the TCL by the agencies of the Government of Timor-Leste. The military component’s public and military information capabilities would be somewhat enhanced through the addition of a number of specialist personnel. The force levels deployed in the central region would remain unchanged until the end of 2003. The implementation of elements of that strategy had already enabled the military component to make some progress in addressing the threat posed by armed groups, as cooperation between the military component and the UN police had led to joint searches for suspected weapons caches, armed groups and suspect individuals. The military component would aim to reach a total of 1,750 by the end of 2003; in the interim, it would be reduced to a total strength of 3,500 by July and to 3,300 by October. When the military component reached a strength of 1,750, it would be structured around two infantry battalions, with responsibility for the western and eastern parts of the country respectively. Development of Falintil-FDTL was making steady progress, with the second of the two planned infantry battalions expected to become operational by the end of 2003. No further handover of defence responsibility for districts was planned until 2004. Border services comprising PNTL border patrol and immigration officers had been trained and were deployed at border crossing points. UNMISET’s military component would continue its programme of active patrolling behind the border to deter and resist incursions, while retaining its ability to support PNTL.

The ratification of the Timor Sea Treaty had led to hopes of significant gas and oil revenues in the near future. Timor-Leste remained the poorest country in South-East Asia, with more than 60 per cent of the people living on less than $1 a day. The Government’s immediate and longer-term development efforts drew on support provided by UNMISET and by UN agencies, funds and programmes, the World Bank and Member States, in cooperation with civil society and the private sector. Among other things, the UN system was supporting the Transition Support Programme, which focused on poverty reduction, governance, capacity-building, expenditure and policy management, and private sector development.

The Secretary-General observed that much had been achieved since the establishment of UNMISET in May 2002. Building on the foundations laid during UNTAET, the Timorese public administration and police force were assuming increasing levels of responsibility, with growing confidence. Much remained to be done, however, and continued assistance by the international community would be crucial to enable Timor-Leste to confront the political, practical and security challenges that lay ahead. Further bilateral efforts would be necessary alongside and after the contribution of UNMISET, in the civilian administration, justice, police force, and defence and security sectors. The Secretary-General recommended extending UNMISET’s mandate for a further year, until 20 May 2004.

Security Council consideration (April). On 28 April [meeting 4744], the Security Council had before it the Secretary-General’s April report (above) and heard a briefing on UNMISET by the Special Representative of the Secretary-General for Timor-Leste and Head of Mission, Kamalesh Sharma.

Mr. Sharma said that the strengthening of the police force through a recast strategy involving accretion of capacity and mobility, reinforced training and augmentation of professionalism according to the highest policing standards, on the one hand, and a more gradual drawdown of the peacekeeping forces, on the other, were of critical importance. They would be of enormous assistance in dealing with the risk of civil disorder and the criminal and politically motivated violence in rural areas. A renewed surge of violence could potentially generate a demoralizing psychological apprehension in the population; the initial years of the State were critical in firmly entrenching the confidence both of the Government and of the people that the political, administrative and security order in the State could not be shaken or challenged. The slower drawdown of UNMISET’s military component would contribute to reducing the threat posed by armed groups. UNMISET had been mindful to learn the appropriate lessons from the civil riots in Dili and other violence. Those first instances of security threats to the State had provided additional impetus for recasting, planning and augmenting readiness to make such challenges difficult to mount in the future.

The task of developing a professional, dedicated and responsive public administration from ground level was no less a challenge for the new State. The Council had mandated UNMISET to prepare the groundwork for the structure of a national administration over two years, and halfway through that process the progress was
satisfactory. It was clear, however, that assistance would be needed in some of the administrative sectors following UNMISET’s departure. UNDP’s role, which was crucial in advocating the need for further capacity-building support and filling, in parallel, more than 200 development posts, would continue to be central. UNMISET was keeping the civilian support programme under constant review for lessons that were progressively learned and improvements that could be effected. Despite many challenges, the Serious Crimes Unit continued to facilitate the work of the Special Panels for Serious Crimes at the Dili District Court. As at 30 April, investigations had been completed in 9 out of the 10 priority cases of crimes against humanity. Trials were proceeding in those cases where the accused were in Timor-Leste; in many other cases the trials might not commence due to the absence of defendants, a large proportion of whom remained outside Timor-Leste.

The economic situation of the country was slow to improve given the comprehensive legacy of underdevelopment inherited by the new independent State. The path of development and fulfilment of economic and social needs would be long and arduous, and in the foreseeable future the country would have to manage the political and economic pressures created by depressed economic and social indicators and, in particular, joblessness. The majority of people still practised subsistence agriculture, with extremely rudimentary means of production. The economy needed to focus on greater agricultural diversity and quantity of production, creation of professional services and opportunities for self-employment as the basis of the Timorese economy. The ratification of the Timor Sea Treaty between Timor-Leste and Australia, enabling the exploitation of an offshore oil and gas field, was an important development for Timor-Leste, enabling the exploitation of an offshore oil and gas field, was an important development for Australia, enabling the exploitation of an offshore oil and gas field, was an important development for the Timor-Leste police force is a key priority, developing the nation’s infrastructure, public administration, law enforcement and defence capacities, and in planning for the completion of the mandate of the Mission, including through the creation of a mission liquidation task force.

UNMISET’s mission had been and continued to be effective. Much progress had been made in the capacity-building of the Timorese police and military. Timor-Leste had reasserted confidence and stability. Timor-Leste said that the violence of December 2002 and the terrorist activities in the border area in January 2003 created some fears about future security. However, the firm and transparent response by the United Nations and the Government of Timor-Leste had provided reassurance and had reasserted confidence and stability.

2. Decides to remain actively seized of the matter.

Communication (August). On 6 August [S/2003/802], Italy transmitted to the Secretary-General a statement on Indonesia’s Ad Hoc Human Rights Tribunal for Crimes Committed in East Timor issued on that day by the EU Presidency. The EU said that the recently completed trials by the Ad Hoc Tribunal, with the last verdict delivered on 5 August, had failed to deliver justice and did not result in a substantiated account of the violence committed in East Timor in 1999 [YUN 1999, p. 288]. The EU was disappointed that the prosecution did not submit all the evidence, especially that referred to by UN investigators and the Indonesian National Commission on Human Rights in their reports, suggesting that elements of the military, police and civil government had allegedly funded, trained and abetted local militia groups. In addition, no officials from the United Nations Mission in East Timor (UNMISET), or members of independent observer missions, and only a few victim witnesses from Timor-Leste, were called to testify by the prosecutors. Those deficiencies in the process had jeopardized the credibility of the verdicts, which were disproportionate to the seriousness of the crimes committed. It was of paramount importance that the Indonesian judicial authorities ensure that the appeal process was conducted in a manner consistent with international legal standards and that the appeal judgements were set out in accordance with the principle of transparency.


He said that on 28 April, President Xanana Gusmão initiated his “open presidency” programme, which entailed visits to mainly isolated villages to discuss local matters, with a particular focus on security issues. A number of options for local government were under review by the Council of Ministers, any of which would lead to greater decentralization and would bring aspects of government decision-making and resource management closer to communities. The National Parliament concluded its first year of regular legislative activity, including adoption of the national budget. Following assumption of office in May by the President of the Court of Appeal, an additional international judge had been appointed to the Court, permitting it to resume operations in June after a one-and-a-half-year hiatus. At the Joint Ministerial Commission (Dili, 4-6 September), Indonesia and Timor-Leste agreed to finalize agreement on the international land boundary by 30 November, with negotiations on maritime border delimitation to follow thereafter; that new timetable replaced the original deadline of 30 June. The countries also reiterated their intention to encourage resettlement of the Timorese who were still in West Timor away from the area of the border, and to facilitate the return of those refugees who chose to go back to Timor-Leste. Efforts by both countries would also be required to address other aspects of border management, including speedy implementation of the arrangement on traditional border crossings and regulated markets. Timor-Leste was pursuing discussions on maritime boundary delimitation with Australia, which had been identified as the next step subsequent to the entry into force of the Timor Sea Treaty on 2 April.

During the reporting period, significant progress was made towards the major milestones identified in UNMISET’s mandate implementation plan. No major security incidents had taken place, though it was clear that it would not be possible for Timor-Leste to achieve self-sufficiency in certain key areas of the mandate by 20 May 2004. Recruitment and training in the area of public administration continued to advance; however, in several areas, including finance, justice, internal administration, infrastructure, the National Parliament and the Office of the President, international assistance would continue to be required for some time to assure that crucial tasks were discharged. The civilian advisers deployed through UNMISET were working to transfer skills, both through on-the-job training and through more formal in-country training programmes. However, progress in preparing the civil administration continued to be undermined by delays in the provision of advisers deployed through bilateral funding. Shortages of qualified personnel and infrastructure had affected the justice sector in particular and generated chronic delays, so that as much as 22 per cent of the prison population comprised individuals in detention under expired warrants. The legislation establishing the Office of the Provedor for Human Rights and Justice was under consideration by the National Parliament. That independent institution, which could be functional by March 2004, could play a key role in supporting good governance and civil rights within Timor-Leste through its advocacy and oversight activities.

Prosecution of serious crimes continued to progress; five additional indictments were filed...
during the reporting period, including an indictment in the tenth “priority case” of serious crimes, and four convictions were handed down by the Special Panels on Serious Crimes in Dili. UNMISET continued to play a key role in supporting that process through its serious crimes unit, which would be focusing in particular on trials and appeals during the remaining months of the mandate. A number of outstanding questions and issues remained, some of which would not be solved or completed by June 2004.

Over the reporting period, the internal situation in Timor-Leste had been relatively calm despite occasional reports of armed groups and criminal elements in rural areas, smuggling, extortion and robberies and, within urban areas, sporadic violence among martial arts groups and youth gangs. PNTL had continued to develop with UNMISET assistance, although its capacity and resources in a number of key areas remained limited. PNTL assumed responsibility for the management of routine policing in a further six districts including investigation, intelligence-gathering and special police operations. More fundamentally, there had been reports of police misconduct, involvement in criminal activities, bribery, excessive use of force and physical assaults of citizens. PNTL’s ability to win public confidence would depend on further efforts to strengthen discipline and compliance with internationally accepted standards of policing.

There was no repetition during the reporting period of the kinds of armed attacks that took place in January and February 2003, and overall the situation had remained generally calm. That had been supported by the regular reconnaissance and surveillance activities by UNMISET’s military component, drawing on the resources made available through the revised downsizing schedule authorized in Council resolution 1473 (2003) (see p. 374). UNMISET had sought to further institutionalize cooperation on security issues with and among Timorese agencies. Invitations had been extended to PNTL officers and the Timorese armed forces to work together in a joint information centre with international military and police in order to gain further experience in information analysis and planning. The Timorese armed forces would not take on areas of responsibility in addition to the district of Lautem prior to the handover of defence responsibilities to the Government of Timor-Leste, which was planned for 20 May 2004. Development of the Timorese armed forces would continue to depend on donor support through the provision of equipment, training and facilities. UNMISET’s military component, which comprised over 3,300 troops as at September 2003, would rapidly reduce in numbers over the coming months, beginning with the withdrawal in October of a battalion currently based in the Oecussi enclave. By the end of 2003, the military component would be reduced to 1,750, with the closure of the tactical headquarters for Sector West.

The area of the TCL remained porous, and illegal hunting, trade and crossings continued, in addition to other criminal activity. Approximately 26,000 former refugees from Timor-Leste remained in West Timor, most of them in the border areas. President Gusmão was engaged in border reconciliation meetings to promote long-term reconciliation among the Timorese. The Indonesian Government was exploring additional means to encourage return and resettlement of the refugees in West Timor, while continuing to assist and encourage voluntary return to Timor-Leste through the provision of registration and transport facilities. UNMISET’s military component had supplemented the basic police training of the border patrol unit with additional formal on-the-job training. Some initial progress had been made towards establishing a rapid deployment service, but further steps by the Timorese authorities were needed urgently, including the selection of officers and the provision of necessary equipment. UNMISET continued to foster close and professional ties between Indonesian security agencies and Timorese counterparts to strengthen the foundations for future cooperation and security.

A significant step towards greater prosperity was made in June, with the finalization by the Government of commercial arrangements with Conoco Phillips on Bayu-Undan gas development and the enactment of relevant tax legislation by the Parliament. That development was expected to bring as much as $3 billion to Timor-Leste over approximately 17 years. As a means to address immediate needs for job creation and promote stability, the Government continued to pursue the recovery, employment and stability programme for ex-combatants and communities in Timor-Leste, which was supported by UNDP.

The Secretary-General observed that, since May 2002, when Timor-Leste celebrated its independence, the country had made remarkable progress in laying the foundations for a functioning civil service and police force. However, it was also clear that crucial work remained to be done
and that, in a number of areas, requirements would remain outstanding after the conclusion of UNMISET’s mandate. It would be essential for the country’s stability and development that the leaders of Timor-Leste continue to nurture respect for the rule of law, reach out to civil society and promote political dialogue and discussion, while giving full support to key institutions of democracy—a non-political civil service, a free press and an independent judiciary. In other areas, however, international assistance would continue to be indispensable; it was likely to include further guidance and advice in the areas of civil administration, justice and policing, and human rights training. In that context, the international community should take stock of what had been achieved and consider the best means through which the country’s needs could be met after UNMISET’s withdrawal.

In the tragic context of the attack that took place in Baghdad, Iraq, on 19 August 2003 (see p. 346), the Secretary-General recalled the remarkable contribution that was made to Timor-Leste by his former Special Representative, Sergio Vieira de Mello. Timor-Leste mourned his loss through national ceremonies that offered an eloquent testimony to the depth of admiration for his loss through national ceremonies that offered an eloquent testimony to the depth of admiration for his loss.

Security Council consideration (October). On 15 October [meeting 4845], the Security Council discussed the Secretary-General’s October report on UNMISET (above) and was briefed by the Special Representative of the Secretary-General for Timor-Leste, Mr. Sharma.

Mr. Sharma said that while there had been no major security challenges since April 2003, reports persisted of alleged sightings of armed groups by residents in rural areas and of the presence of criminal elements in those areas, particularly in the border districts. There was a risk that such reports might increase as UNMISET’s downsizing progressed. Although PNTL had made great progress, it was still a young and inexperienced police service, and it was doubtful that it would be able to respond effectively if tested by major internal security challenges following UNMISET’s closure. Operational support and further mentoring and training in specialized and professional police skills would be required on a longer-term basis. Ensuring that police officers maintained human rights standards remained a priority. Timor-Leste’s defence force was currently responsible for only one district, thus allowing it to continue to focus on capability development and individual and collective training activities. Given the programme of capability development, the force was not likely to become fully operational at required professional standards at the battalion level until around 2005-2006.

UNMISET’s military component continued to downsize according to the revised schedule that was approved in Council resolution 1473(2003) (see p. 374). As they withdrew from border areas, the Timorese agencies, particularly the border patrol unit of PNTL, assumed greater responsibilities for border management. The members of the unit had performed commendably in the preceding few months at all border crossing points that they had taken over from UNMISET, despite the handicaps they faced in terms of logistics, availability of facilities in the remote border areas and equipment. UNMISET was working with the Government of Timor-Leste to address those shortcomings so that the unit could be self-sustaining. The rapid deployment of PNTL, once trained and functional, would provide a response capability to deal with armed criminal groups in rural and border districts. Despite best efforts, however, those units would continue to need advice and support following the end of UNMISET’s mandate.

Post-UNMISET, international assistance would also be needed to advise and mentor the Timorese security agencies in the various tasks of monitoring and managing the border, including assisting in liaison and thus enhancing cooperation with Indonesian security agencies at the border and providing psychological support to a population not yet prepared for the complete withdrawal of the reassuring international presence.

The evolving relationship between Timor-Leste and Indonesia was a primary asset in the rapid evolution of Timorese nationhood. Both sides were cooperating in the settlement of the border negotiations, residual refugee issues and the continuation of pension payments to former Indonesian civil servants. UNMISET had continued to provide support to the core administrative and judicial structures of the Government and further international support would be required in the post-UNMISET period. The Government, UNMISET and UNDP had completed reviews of the justice and administrative sectors and developed a comprehensive support programme, identifying areas most in need of support from the international community. UNMISET also continued to work closely with the wider UN system of agencies, funds and programmes and international financial institutions, in support of national programmes. It had also contributed, through its Human Rights Unit, to the promotion of human rights by training and advising and through capacity-building in the major institutions of the State. With seven months of its mandate remaining, UNMISET would continue to
work with the Government of Timor-Leste to realize all the objectives in the mandate implementation plan. Nevertheless, it was important that the progress that had been achieved so far should not be jeopardized by the absence of adequate support mechanisms, based on assured funding, after the completion of UNMISET’s mandate.

Timor-Leste said that the international community had invested huge financial and human resources and know-how in UNMISET, though some resources had not arrived on time. The judicial system, law and order, finance and planning, and defence and security would require substantial assistance and support for some time. It was clear, as the Secretary-General had stated in his October report, that it would not be possible for Timor-Leste to achieve self-sufficiency in certain key areas of the mandate by 20 May 2004. Timor-Leste recommended a credible, strong UN presence in key areas in order to help consolidate stability and security. The President of the General Assembly, Jan Kavan, had visited Timor-Leste in July. Given the fundamental contribution and the crucial role played by the Security Council in the liberation of the country, Timor-Leste invited the Council to send a delegation to visit also.

Later developments. In a later report [S/2004/117], the Secretary-General said that during the last months of 2003, Timor-Leste’s National Parliament approved, among other things, a bill on immigration and asylum and one on local governance. The security situation remained generally calm, with occasional demonstrations that did not pose a threat to law and order. Indonesia and Timor-Leste did not meet their target date of 30 November 2003 for the finalization of agreement on a provisional line for the border. The first round of negotiations on the maritime boundary between Timor-Leste and Australia concluded on 14 November. Further talks were scheduled for April 2004. The development of Timor-Leste’s public administration had continued to progress. As foreseen, 30 of UNMISET’s 100 civil adviser positions were phased out by the end of November 2003. The remaining advisers, who were serving largely in the financial, central management and justice sectors, continued to play a key role in mentoring Timorese counterparts. PNTL assumed responsibility for routine policing throughout the country with the handover of responsibility in Dili district on 10 December. In October, the Border Police Unit assumed responsibility for all junction points along the 259-kilometre TCL. Following the downsizing and restructuring of UNMISET, which was carried out as foreseen in November and December 2003, the military component comprised 1,750 personnel, including 78 military observers and two infantry battalions. The fourth Timor-Leste development partners meeting, which focused on economic recovery issues, was held in Dili from 3 to 5 December 2003.

General Assembly action. By resolution 58/112 of 17 December, the General Assembly endorsed the recommendation of the Economic and Social Council that Timor-Leste be added to the list of least developed countries (see p. 868).

By resolution 58/121 of the same date, the Assembly urged assistance for humanitarian relief, rehabilitation and development for Timor-Leste (see p. 953).

Financing of UN operations

During 2003, the General Assembly considered the financing of three UN missions in Timor-Leste—UNTAET, UNMISET and UNAMET. UNTAET was established by Security Council resolution 1272(1999) [YUN 1999, p. 293] to administer East Timor during its transition to independence; its mandate was extended until 20 May 2002, Timor-Leste’s date of independence, in accordance with resolution 1392(2002) [YUN 2002, p. 308]. UNMISET was established by Council resolution 1410(2002) [ibid., p. 321] to provide assistance to the administrative, law enforcement and public security structures critical to the viability and political stability of Timor-Leste, in addition to contributing to the maintenance of its external and internal security. UNAMET was established by Council resolution 1240(1999) [YUN 1999, 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 December 2002 [A/57/666], the Secretary-General submitted to the General Assembly a performance report on the budget of UNTAET and UNMISET for the period from 1 July 2001 to 30 June 2002. Expenditures for the two missions for the period totalled $454,118,000, resulting in an unencumbered balance of $942,000. The Assembly was requested to decide on the treatment of that unencumbered balance and on the treatment of other income and adjustments for the period ended 30 June 2002, amounting to $20,680,000 from interest income ($7,625,000), other/miscellaneous income ($1,642,000) and savings on or cancellation of prior period obligations ($11,413,000).

In February 2003 [A/57/689], the Secretary-General submitted to the Assembly UNMISET’s
budget for the period from 1 July 2003 to 30 June 2004, which amounted to $188,229,200, inclusive of budgeted voluntary contributions in kind in the amount of $60,000. The budget provided for the maximum monthly average deployment of 106 military observers, 3,764 military contingent members, 650 civilian police, 389 international staff, 732 national staff and 200 UN Volunteers. The Assembly was requested to appropriate $188,169,200 for the maintenance of the Mission from 1 July 2003 to 30 June 2004 and to assess that amount at a monthly rate of $15,680,766, should the Security Council decide to continue the Mission’s mandate.

Also in February [A/57/725], the Secretary-General submitted to the Assembly the overview of the financing of UN peacekeeping operations: budget performance for the period from 1 July 2001 to 30 June 2002 and budget for the period from 1 July 2003 to 30 June 2004.

In April [A/57/722], ACABQ reviewed the Secretary-General’s reports on the budgets of UNTAET and UNMISET for the period from 1 July 2001 to 30 June 2002 and the proposed budget for UNMISET for the period from 1 July 2003 to 30 June 2004 (see above). In connection with the first report on the financing of UNTAET and UNMISET, ACABQ recommended that the unencumbered balance of $942,600 and interest and other income in the amount of $20,680,000 be credited to Member States in a manner to be determined by the Assembly. In connection with the second report on the financing of UNMISET, ACABQ recommended that the estimated budget requirement of $188,169,200 gross be reduced by $3,109,200, or approximately 2 per cent. Accordingly, ACABQ recommended that the Assembly appropriate an amount of $185 million gross ($178,985,600 net), and that the amount be assessed at a monthly rate of $15,416,667 gross ($14,915,467 net) should the Security Council decide to continue the Mission’s mandate. However, the reduction did not take into account any future changes in the overall strategy being considered by the Council.

GENERAL ASSEMBLY ACTION (June)

On 18 June [meeting 90], the General Assembly, on the recommendation of the Fifth Committee [A/57/822], adopted resolution 57/327 without vote [agenda item 129].


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, 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 1992(2002) of 31 January 2002, by which the mandate was extended until 30 May 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 56/296 of 27 June 2002,


Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 574(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 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 fulfil 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 and the United Nations Mission of Support in East Timor as at 31 March 2003, including the contributions outstanding in the amount of $66.1 million United States dollars, representing some 5 per cent of the total assessed contributions, notes with concern that only thirty 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 to those Member States 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 and the Mission in full;

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 Mission;
8. 
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;
9. 
Requests the Secretary-General to ensure that the additional resources referred to in paragraph 20 of the report of the Advisory Committee are used to strengthen national judicial capacity consistent with the needs of the people of Timor-Leste and the mandate of the Mission;
Financial performance report for the period from 1 July 2001 to 30 June 2002
10. 
Takes note of the report of the Secretary-General on the financial performance of the Transitional Administration and the Mission for the period from 1 July 2001 to 30 June 2002;
Budget estimates for the period from 1 July 2003 to 30 June 2004
11. 
Decides to appropriate to the Special Account for the United Nations Mission of Support in East Timor the amount of 195,337,100 dollars for the period from 1 July 2003 to 30 June 2004, inclusive of 185 million dollars for the maintenance of the Mission, 6,384,000 dollars for the support account for peacekeeping operations, and 1,953,100 dollars for the United Nations Logistics Base;
Financing of the appropriation
12. 
Decides also to apportion among Member States the amount of 195,337,100 dollars at a monthly rate of 16,114,425 dollars, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolutions 55/236 of 23 December 2000 and 57/290 A of 20 December 2002, and taking into account the scale of assessments for 2003 as set out in its resolutions 55/5 B of 23 December 2000, 57/4 B of 20 December 2002 and for 2004, subject to the decision of the Security Council to extend the mandate of the Mission;
13. 
Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against their apportionment, as provided for in paragraph 12 above, their respective share of the unencumbered balance and of other income in the total amount of 21,622,000 dollars in respect of the financial period ended 30 June 2002, in accordance with the levels set out in resolution 55/253, as adjusted by the General Assembly in its resolutions 55/236 and 57/290 A, and taking into account the scale of assessments for 2002 as set out in its resolutions 55/5 B and 57/4 B;
15. 
Decides also that, for Member States that have not fulfilled their financial obligations to the Transitional Administration and the Mission, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and other income in the total amount of 21,622,000 dollars in respect of the financial period ended 30 June 2002, in accordance with the scheme set out in paragraph 14 above;
16. 
Decides further that the increase of 329,000 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2002 shall be added to the credits from the amount referred to in paragraphs 14 and 15 above, and that the respective shares of Member States therein shall be applied in accordance with the provisions of those paragraphs as appropriate;
17. 
Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;
18. 
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;
19. 
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;
20. 
Decides to include in the provisional agenda of its fifty-eighth session the item entitled "Financing of the United Nations Transitional Administration in East Timor and the United Nations Mission of Support in East Timor".

In July, the Secretary-General presented to the Assembly the revised budget for UNMISET for the period from 1 July 2003 to 30 June 2004 [A/58/192]. The revised budget incorporated additional requirements for the delay in downsizing the Mission and amounted to $208,887,500 gross ($202,333,200 net), inclusive of budgeted voluntary contributions in kind of $60,000. The revision represented an increase of $23,827,500 gross from the initial approved budget of $185,000,000 and provided for the deployment of a maximum of 3,405 troops, 95 military observers, 550 civilian police, 125 civilian police in formed units, 399 international staff and 928 local staff.

In a September report [A/58/192/Add.1], the Secretary-General provided information on the proposed donation of UNMISET assets to the Government of Timor-Leste, the inventory value of which amounted to some $35.3 million as of 30 June 2003.

In October [A/58/409], A/58/409, having considered the revised budget for UNMISET, recon-
mended that the Assembly appropriate the additional amount of $23,827,500 gross for the period 1 July 2003 to 30 June 2004. It further recommended that the Assembly approve the donation of assets with an inventory value of $35,262,900 and a corresponding residual value of $15,879,900 to Timor-Leste on a free-of-charge basis.

GENERAL ASSEMBLY ACTION (December)

On 23 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/58/384], adopted resolution 58/260 A without vote [agenda item 10].

Financing of the United Nations Mission of Support in East Timor

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission of Support in East Timor, and the related report 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 last of which was resolution 1926(2002) of 31 January 2002, by which the mandate was extended until 20 May 2002,


Recalling further its resolution 54/246 A of 23 December 1999 on the financing of the United Nations Transitional Administration in East Timor and its subsequent resolutions on the financing of the United Nations Mission of Support in Timor, the latest of which was resolution 57/327 of 18 June 2003,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 48/48-S(IV) of 27 June 1993, 301/(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Mission and 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 fulfil 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 and the United Nations Mission of Support in East Timor as at 31 October 2003, including the contributions outstanding in the amount of 65.5 million United States dollars, representing some 4 per cent of the total assessed contributions, notes with concern that only forty-three 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 to those Member States 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 and the Mission in full;

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 some recent peacekeeping missions, in particular those in Africa, and in providing them with adequate resources;

5. Emphasizes that all future and existing peacekeeping missions shall be given equal and nondiscriminatory 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 Mission;

8. 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;

Revised budget estimates for the period from 1 July 2003 to 30 June 2004

9. Decides to appropriate to the Special Account for the United Nations Mission of Support in East Timor the amount of $23,827,500 dollars for the maintenance of the Mission for the period from 1 July 2003 to 30 June 2004, in addition to the amount of $195,337,100 dollars already appropriated for the same period under the terms of resolution 57/327;

Financing of the appropriation

10. Decides also, taking into account the amount of $195,337,100 dollars previously apportioned under the terms of resolution 57/327, to apportion among Member States the amount of $23,827,500 dollars at a monthly rate of $1,985,625 dollars, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolutions 55/236 of 23 December 2000 and 57/290 A of 20 December 2002, and taking into account the scale of assessments for 2003 as set out in its resolutions 55/5 B of 23 December 2000 and 57/4 B of 20 December 2002 and the scale of assessments for 2004 as set out in its resolution 58/1 B of 23 December 2003, subject to the decision of the Security Council to extend the mandate of the Mission;

11. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December
1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of the amount of 539,900 dollars at a monthly rate of 44,991 dollars, representing the additional estimated staff assessment income approved for the Mission;

**Donation of assets to the Government of Timor-Leste**

12. Approves the donation of the assets of the Mission, with a total inventory value of up to 35,262,900 dollars and corresponding residual value of up to 15,879,900 dollars, to the Government of Timor-Leste;

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

14. 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;

15. 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;

16. Decides to keep under review during its fifty-eighth session the item entitled “Financing of the United Nations Mission of Support in East Timor”.

Also on 23 December, the Assembly decided that the agenda item on financing of UNMISET would remain for consideration at its resumed fifty-eighth (2004) session (decision 58/565).

**UNAMET**

On 15 September, the General Assembly decided to defer consideration of the item on the financing of UNAMET and to include it in the draft agenda of its fifty-eighth session (decision 57/399).

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**Other matters**

**Cambodia**

In a 17 March letter (A/57/758), the Secretary-General, referring to General Assembly resolution 57/228 A [YUN 2002, p. 644], which requested him to resume negotiations to conclude an agreement with the Government of Cambodia on the establishment of Extraordinary Chambers within the court structure of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea (1975-1979), informed the Assembly President that his negotiating team had established the text of a draft agreement.

In a 31 March report (A/57/769), the Secretary-General described the steps that he had taken to resume negotiations with the Government of Cambodia and described the draft agreement, which was finalized as a result of the negotiations. The Secretary-General said that, while the text was an improvement over the previously discussed one, doubts might remain as to whether it would ensure the credibility of the Extraordinary Chambers, given the precarious state of the judiciary in Cambodia. He said it would be essential for the United Nations to assist in ensuring that the Chambers functioned in conformity with the agreement and complied with international standards of justice, fairness and due process of law, as set out in the International Covenant on Civil and Political Rights [YUN 1966, p. 425] (see p. 669). The Secretary-General proposed that the United Nations remain engaged in the process of overseeing the implementation of the draft agreement. The report outlined the steps required by the United Nations to conclude the agreement with the Government. Annexed to the report was the draft agreement.

**GENERAL ASSEMBLY ACTION**

On 13 May (meeting 85), the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee (A/57/806), adopted resolution 57/228 B without vote (agenda item 109 (b)).

**Khmer Rouge trials**

The General Assembly, Recalling its resolution 57/228 A of 18 December 2002, Welcoming the efforts of the Secretary-General and the Royal Government of Cambodia to conclude the negotiation of the draft Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea contained in the annex to the present resolution,

Taking note of the report of the Secretary-General,

1. Approves the draft Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea contained in the annex to the present resolution;

2. Urges the Secretary-General and the Royal Government of Cambodia to take all the measures necessary to allow the draft Agreement referred to in paragraph 1 to enter into force, and to implement it fully after its entry into force;

3. Decides that the expenses of the Extraordinary Chambers to be defrayed by the United Nations in accordance with the relevant provisions of the draft Agreement shall be borne by voluntary contributions from the international community as indicated in paragraph 9 of resolution 57/228 A, and appeals to the international community to provide assistance, including financial and personnel support to the Extraordinary Chambers;

Whereas the General Assembly of the United Nations, in its resolution 57/228 A of 18 December 2002, recalled that the serious violations of Cambodian and international humanitarian law during the period of Democratic Kampuchea from 1975 to 1979 continue to be matters of vitally important concern to the international community as a whole,

Whereas in the same resolution the General Assembly recognized the legitimate concern of the Government and the people of Cambodia in the pursuit of justice and national reconciliation, stability, peace and security,

Whereas the Cambodian authorities have requested assistance from the United Nations in bringing to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979,

Whereas prior to the negotiation of the present Agreement substantial progress had been made by the Secretary-General of the United Nations (hereinafter, "the Secretary-General") and the Royal Government of Cambodia towards the establishment, with international assistance, of Extraordinary Chambers within the existing court structure of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea,

Whereas by its resolution 57/228 A, the General Assembly welcomed the promulgation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea (hereinafter: "the Law on the Establishment of the Extraordinary Chambers"), as adopted and amended by the Cambodian Legislature under the Constitution of Cambodia. The present Agreement further recognizes that the Extraordinary Chambers have personal jurisdiction over senior leaders of Democratic Kampuchea and those who were most responsible for the crimes referred to in Article 1 of the Agreement,

Whereas the purpose of the present Agreement is to regulate the cooperation between the United Nations and the Royal Government of Cambodia in bringing to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979. The Agreement provides, inter alia, the legal basis and the principles and modalities for such cooperation.

Article 2

The Law on the Establishment of Extraordinary Chambers

1. The present Agreement recognizes that the Extraordinary Chambers have subject-matter jurisdiction consistent with that set forth in "the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea" (hereinafter: "the Law on the Establishment of the Extraordinary Chambers"), as adopted and amended by the Cambodian Legislature under the Constitution of Cambodia. The present Agreement further recognizes that the Extraordinary Chambers have personal jurisdiction over senior leaders of Democratic Kampuchea and those who were most responsible for the crimes referred to in Article 1 of the Agreement.

2. The present Agreement shall be implemented in Cambodia through the Law on the Establishment of the Extraordinary Chambers as adopted and amended. The Vienna Convention on the Law of Treaties, and in particular its Articles 26 and 27, applies to the Agreement.

3. In case amendments to the Law on the Establishment of the Extraordinary Chambers are deemed necessary, such amendments shall always be preceded by consultations between the parties.

Article 3

Judges

1. Cambodian judges, on the one hand, and judges appointed by the Supreme Council of the Magistracy upon nomination by the Secretary-General of the United Nations (hereinafter: "international judges"), on the other hand, shall serve in each of the two Extraordinary Chambers.

2. The composition of the Chambers shall be as follows:

(a) The Trial Chamber: three Cambodian judges and two international judges;

(b) The Supreme Court Chamber, which shall serve as both appellate chamber and final instance: four Cambodian judges and three international judges.

3. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to judicial offices. They shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source.

4. In the overall composition of the Chambers due account should be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

5. The Secretary-General of the United Nations undertakes to forward a list of not less than seven nominees for international judges from which the Supreme Council of the Magistracy shall appoint five to serve as judges in the two Chambers. Appointment of international judges by the Supreme Council of the Magistracy shall be made only from the list submitted by the Secretary-General.
6. In the event of a vacancy of an international judge, the Supreme Council of the Magistracy shall appoint another international judge from the same list.

7. The judges shall be appointed for the duration of the proceedings.

8. In addition to the international judges sitting in the Chambers and present at every stage of the proceedings, the President of a Chamber may, on a case-by-case basis, designate from the list of nominees submitted by the Secretary-General, one or more alternate judges to be present at each stage of the proceedings, and to replace an international judge if that judge is unable to continue sitting.

Article 4

Decision-making

1. The judges shall attempt to achieve unanimity in their decisions. If this is not possible, the following shall apply:
(a) A decision by the Trial Chamber shall require the affirmative vote of at least four judges;
(b) A decision by the Supreme Court Chamber shall require the affirmative vote of at least five judges.

2. When there is no unanimity, the decision of the Chamber shall contain the views of the majority and the minority.

Article 5

Investigating judges

1. There shall be one Cambodian and one international investigating judge serving as co-investigating judges. They shall be responsible for the conduct of investigations.

2. The co-investigating judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to such a judicial office.

3. The co-investigating judges shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source. It is understood, however, that the scope of the investigation is limited to senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.

4. The co-investigating judges shall cooperate with a view to arriving at a common approach to the investigation. In case the co-investigating judges are unable to agree whether to proceed with an investigation, the investigation shall proceed unless the prosecutors or one of them requests within thirty days that the difference shall be settled in accordance with Article 7.

5. The co-investigating judges shall be appointed for the duration of the proceedings.

6. In case there is a vacancy or a need to fill the post of the international co-investigating judge, the person appointed to fill this post must be the reserve international co-investigating judge.

7. The co-investigating judges shall be appointed for the duration of the proceedings.

Article 6

Prosecutors

1. There shall be one Cambodian prosecutor and one international prosecutor competent to appear in both Chambers, serving as co-prosecutors. They shall be responsible for the conduct of the prosecutions.

2. The co-prosecutors shall be of high moral character, and possess a high level of professional competence and extensive experience in the conduct of investigations and prosecutions of criminal cases.

3. The co-prosecutors shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source. It is understood, however, that the scope of the prosecution is limited to senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.

4. The co-prosecutors shall cooperate with a view to arriving at a common approach to the prosecution. In case the prosecutors are unable to agree whether to proceed with a prosecution, the prosecution shall proceed unless the prosecutors or one of them requests within thirty days that the difference shall be settled in accordance with Article 7.

5. The co-prosecutors shall be appointed for the duration of the proceedings.

6. Each co-prosecutor shall have one or more deputy prosecutors to assist him or her with prosecutions before the Chambers. Deputy international prosecutors shall be appointed by the international co-prosecutor from a list provided by the Secretary-General.

7. The co-prosecutors shall be appointed for the duration of the proceedings.

Article 7

Settlement of differences between the co-investigating judges or the co-prosecutors

1. In case the co-investigating judges or the co-prosecutors have made a request in accordance with Article 5, paragraph 4, or Article 6, paragraph 4, as the case may be, they shall submit written statements of facts and the reasons for their different positions to the Director of the Office of Administration.

2. The difference shall be settled forthwith by a Pre-Trial Chamber of five judges, three appointed by the Supreme Council of the Magistracy, with one as President, and two appointed by the Supreme Council of the Magistracy upon nomination by the Secretary-General. Article 3, paragraph 3, shall apply to the judges.

3. Upon receipt of the statements referred to in paragraph 1, the Director of the Office of Adminis-
Amnesty shall immediately convene the Pre-Trial Chamber and communicate the statements to its members.

4. A decision of the Pre-Trial Chamber, against which there is no appeal, requires the affirmative vote of at least four judges. The decision shall be communicated to the Director of the Office of Administration, who shall publish it and communicate it to the co-investigating judges or the co-prosecutors. They shall immediately proceed in accordance with the decision of the Chamber. If there is no majority, as required for a decision, the investigation or prosecution shall proceed.

Article 8

Office of Administration

1. There shall be an Office of Administration to serve the Extraordinary Chambers, the Pre-Trial Chamber, the co-investigating judges and the Prosecutors’ Office.

2. There shall be a Cambodian Director of this Office, who shall be appointed by the Royal Government of Cambodia. The Director shall be responsible for the overall management of the Office of Administration, except in matters that are subject to United Nations rules and procedures.

3. There shall be an international Deputy Director of the Office of Administration, who shall be appointed by the Secretary-General. The Deputy Director shall be responsible for the recruitment of all international staff and all administration of the international components of the Extraordinary Chambers, the Pre-Trial Chamber, the co-investigating judges, the Prosecutors’ Office and the Office of Administration. The United Nations and the Royal Government of Cambodia agree that, when an international Deputy Director has been appointed by the Secretary-General, the assignment of that person to that position by the Royal Government of Cambodia shall take place forthwith.

4. The Director and the Deputy Director shall cooperate in order to ensure an effective and efficient functioning of the administration.

Article 9

Crimes falling within the jurisdiction of the Extraordinary Chambers


Article 10

Penalties

The maximum penalty for conviction for crimes falling within the jurisdiction of the Extraordinary Chambers shall be life imprisonment.

Article 11

Amnesty

1. The Royal Government of Cambodia shall not request an amnesty or pardon for any persons who may be investigated for or convicted of crimes referred to in the present Agreement.

2. This provision is based upon a declaration by the Royal Government of Cambodia that until now, with regard to matters covered in the law, there has been only one case, dated 14 September 1996, when a pardon was granted to only one person with regard to a 1979 conviction on the charge of genocide. The United Nations and the Royal Government of Cambodia agree that the scope of this pardon is a matter to be decided by the Extraordinary Chambers.

Article 12

Procedure

1. The procedure shall be in accordance with Cambodian law. Where Cambodian law does not deal with a particular matter, or where there is uncertainty regarding the interpretation or application of a relevant rule of Cambodian law, or where there is a question regarding the consistency of such a rule with international standards, guidance may also be sought in procedural rules established at the international level.

2. The Extraordinary Chambers shall exercise their jurisdiction in accordance with international standards of justice, fairness and due process of law, as set out in Articles 14 and 15 of the 1966 International Covenant on Civil and Political Rights, to which Cambodia is a party. In the interest of securing a fair and public hearing and credibility of the procedure, it is understood that representatives of Member States of the United Nations, of the Secretary-General, of the media and of national and international non-governmental organizations will at all times have access to the proceedings before the Extraordinary Chambers. Any exclusion from such proceedings in accordance with the provisions of Article 14 of the Covenant shall only be to the extent strictly necessary in the opinion of the Chamber concerned and where publicity would prejudice the interests of justice.

Article 13

Rights of the accused

1. The rights of the accused enshrined in Articles 14 and 15 of the 1966 International Covenant on Civil and Political Rights shall be respected throughout the trial process. Such rights shall, in particular, include the right: to a fair and public hearing; to be presumed innocent until proved guilty; to engage a counsel of his or her choice; to have adequate time and facilities for the preparation of his or her defence; to have counsel provided if he or she does not have sufficient means to pay for it; and to examine or have examined the witnesses against him or her.

2. The United Nations and the Royal Government of Cambodia agree that the provisions on the right to defence counsel in the Law on the Establishment of Extraordinary Chambers mean that the accused has the right to engage counsel of his or her own choosing as guaranteed by the International Covenant on Civil and Political Rights.

Article 14

Premises

The Royal Government of Cambodia shall provide at its expense the premises for the co-investigating judges, the Prosecutors’ Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of...
Administration. It shall also provide for such utilities, facilities and other services necessary for their operation that may be mutually agreed upon by separate agreement between the United Nations and the Government.

**Article 15**

**Cambodian personnel**

Salaries and emoluments of Cambodian judges and other Cambodian personnel shall be defrayed by the Royal Government of Cambodia.

**Article 16**

**International personnel**

Salaries and emoluments of international judges, the international co-investigating judge, the international co-prosecutor and other personnel recruited by the United Nations shall be defrayed by the United Nations.

**Article 17**

**Financial and other assistance of the United Nations**

The United Nations shall be responsible for the following:

(a) Remuneration of the international judges, the international co-investigating judge, the international co-prosecutor, the Deputy Director of the Office of Administration and other international personnel;

(b) Costs for utilities and services as agreed separately between the United Nations and the Royal Government of Cambodia;

(c) Remuneration of defence counsel;

(d) Witnesses’ travel from within Cambodia and from abroad;

(e) Safety and security arrangements as agreed separately between the United Nations and the Government;

(f) Such other limited assistance as may be necessary to ensure the smooth functioning of the investigation, the prosecution and the Extraordinary Chambers.

**Article 18**

**Inviability of archives and documents**

The archives of the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration, and in general all documents and materials made available, belonging to or used by them, wherever located in Cambodia and by whomsoever held, shall be inviolable for the duration of the proceedings.

**Article 19**

**Privileges and immunities of international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration**

1. The international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration, together with their families forming part of their household, shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic agents in accordance with the 1961 Vienna Convention on Diplomatic Relations. They shall, in particular, enjoy:

(a) Personal inviolability, including immunity from arrest or detention;

(b) Immunity from criminal, civil and administrative jurisdiction in conformity with the Vienna Convention;

(c) Inviolability for all papers and documents;

(d) Exemption from immigration restrictions and alien registration;

(e) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

2. The international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration shall enjoy exemption from taxation in Cambodia on their salaries, emoluments and allowances.

**Article 20**

**Privileges and immunities of Cambodian and international personnel**

1. Cambodian judges, the Cambodian co-investigating judge, the Cambodian co-prosecutor and other Cambodian personnel shall be accorded immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity under the present Agreement. Such immunity shall continue to be accorded after termination of employment with the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration.

2. International personnel shall be accorded:

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity under the present Agreement. Such immunity shall continue to be accorded after termination of employment with the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration;

(b) Immunity from taxation on salaries, allowances and emoluments paid to them by the United Nations;

(c) Immunity from immigration restrictions;

(d) The right to import free of duties and taxes, except for payment for services, their furniture and effects at the time of first taking up their official duties in Cambodia.

3. The United Nations and the Royal Government of Cambodia agree that the immunity granted by the Law on the Establishment of the Extraordinary Chambers in respect of words spoken or written and all acts performed by them in their official capacity under the present Agreement will apply also after the persons have left the service of the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration.

**Article 21**

**Counsel**

1. The counsel of a suspect or an accused who has been admitted as such by the Extraordinary Chambers shall not be subjected by the Royal Government of Cambodia to any measure which may affect the free and independent exercise of his or her functions under the present Agreement.

2. In particular, the counsel shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of personal baggage;
Protection of victims and witnesses

The co-investigating judges, the co-prosecutors and the Extraordinary Chambers shall provide for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the identity of a victim or witness.

Security, safety and protection of persons referred to in the present Agreement

The Royal Government of Cambodia shall take all effective and adequate actions which may be required to ensure the security, safety and protection of persons referred to in the present Agreement. The United Nations and the Government agree that the Government is responsible for the security of all accused, irrespective of whether they appear voluntarily before the Extraordinary Chambers or whether they are under arrest.

Obligation to assist the co-investigating judges, the co-prosecutors and the Extraordinary Chambers

The Royal Government of Cambodia shall comply without undue delay with any request for assistance by the co-investigating judges, the co-prosecutors and the Extraordinary Chambers or an order issued by any of them, including, but not limited to:

(a) Identification and location of persons;
(b) Service of documents;
(c) Arrest or detention of persons;
(d) Transfer of an indictee to the Extraordinary Chambers.

Languages

1. The official language of the Extraordinary Chambers and the Pre-Trial Chamber is Khmer.

2. The official working languages of the Extraordinary Chambers and the Pre-Trial Chamber shall be Khmer, English and French.

3. Translations of public documents and interpretation at public hearings into Russian may be provided by the Royal Government of Cambodia at its discretion and expense on condition that such services do not hinder the proceedings before the Extraordinary Chambers.

Article 27

Practical arrangements

1. With a view to achieving efficiency and cost-effectiveness in the operation of the Extraordinary Chambers, a phased-in approach shall be adopted for their establishment in accordance with the chronological order of the legal process.

2. In the first phase of the operation of the Extraordinary Chambers, the judges, the co-investigating judges and the co-prosecutors will be appointed along with investigative and prosecutorial staff, and the process of investigations and prosecutions shall be initiated.

3. The trial process of those already in custody shall proceed simultaneously with the investigation of other persons responsible for crimes falling within the jurisdiction of the Extraordinary Chambers.

4. With the completion of the investigation of persons suspected of having committed the crimes falling within the jurisdiction of the Extraordinary Chambers, arrest warrants shall be issued and submitted to the Royal Government of Cambodia to effectuate the arrest.

5. With the arrest by the Royal Government of Cambodia of indicted persons situated in its territory, the Extraordinary Chambers shall be fully operational, provided that the judges of the Supreme Court Chamber shall serve when seized with a matter. The judges of the Pre-Trial Chamber shall serve only if and when their services are needed.

Article 28

Withdrawal of cooperation

Should the Royal Government of Cambodia change the structure or organization of the Extraordinary Chambers or otherwise cause them to function in a manner that does not conform with the terms of the present Agreement, the United Nations reserves the right to cease to provide assistance, financial or otherwise, pursuant to the present Agreement.

Article 29

Settlement of disputes

Any dispute between the parties concerning the interpretation or application of the present Agreement shall be settled by negotiation, or by any other mutually agreed upon mode of settlement.

Article 30

Approval

To be binding on the parties, the present Agreement must be approved by the General Assembly of the United Nations and ratified by Cambodia. The Royal Government of Cambodia will make its best endeavours to obtain this ratification by the earliest possible date.
Article 31
Application within Cambodia

The present Agreement shall apply as law within the Kingdom of Cambodia following its ratification in accordance with the relevant provisions of the internal law of the Kingdom of Cambodia regarding competence to conclude treaties.

Article 32
Entry into force

The present Agreement shall enter into force on the day after both parties have notified each other in writing that the legal requirements for entry into force have been complied with.

Done at [place] on [day, month] 2003 in two copies in the English language.

For the United Nations
For the Royal Government of Cambodia

In a 3 December report [A/58/617], the Secretary-General stated that the Agreement had been signed by the United Nations and the Government of Cambodia and was awaiting ratification through the Cambodian legislative process. In the meantime, a UN technical team would visit Cambodia to prepare a draft concept of operation, gather more precise cost parameters for an overall budget for the Chambers and ascertain the availability of facilities and utilities. A more substantive report would be submitted based on the team’s findings. In conclusion, the Secretary-General expressed concern at the delays in the implementation of the Agreement and called on the Government to ensure that its ratification was accorded priority.

India-Pakistan

On 19 August, Pakistan addressed identical letters [A/58/298-S/2003/823] to the Presidents of the General Assembly and the Security Council, raising issues relating to peace and security in South Asia, in the context of India-Pakistan relations and the Jammu and Kashmir dispute. Although earlier in the year the two countries had taken steps to reduce tensions by restoring diplomatic relations at the level of High Commissioners (Ambassadors) and resuming transportation links, there had not been movement in resolving the outstanding differences between the two countries, especially over Jammu and Kashmir. Pakistan believed that the international community should urgently call on India to respond positively to Pakistan’s proposals to revive the bilateral dialogue, install an effective ceasefire along the Line of Control in Kashmir, halt threatening statements and propaganda, stop its repression in Kashmir, reduce military deployments in the disputed State and evolve confidence-building measures with Pakistan to reduce the risk of accidental or deliberate conflict.

The final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference (New York, 30 September) [A/58/415-S/2003/952] welcomed the measures taken by India and Pakistan to normalize their bilateral relations and urged India to enter into meaningful and result-oriented dialogue with Pakistan.

Korea question

On 24 January [S/2003/91], the Democratic People’s Republic of Korea (DPRK) transmitted to the President of the Security Council three statements. A letter from the DPRK Foreign Minister informed the Council of the Government’s decision to put into effect its withdrawal from the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), adopted by the General Assembly in resolution 2375(XXII) [YUN 1968, p. 17], as the Government had decided in 1993 [YUN 1993, p. 356]. The DPRK explained it would revoke the “suspension” on the withdrawal, which would come into effect. A statement issued by the Government on 10 January said that the United States had instigated the International Atomic Energy Agency (IAEA) to adopt a 6 January resolution demanding that the DPRK scrap its nuclear programme. Although it had pulled out of NPT, the DPRK had no intention of producing nuclear weapons. If the United States dropped its hostile policy towards it, the DPRK might allow a separate verification by the United States. The DPRK also forwarded a report of 21 January by the Korean Central News Agency on the circumstances and historical background of the DPRK’s withdrawal from NPT.

On 26 June [S/2003/673], the DPRK transmitted to the Council President a statement by its Foreign Minister, which noted that one permanent member of the Council had sought to bring before it the nuclear issue on the Korean peninsula. The DPRK expressed its wish for bilateral, tripartite or multilateral talks with concerned parties and attached priority to the DPRK–United States bilateral talks. It stated that the Council should avoid giving any impression that it might apply double standards in the application of international instruments.

The DPRK, on 1 July [S/2003/681], forwarded a report of 21 January by the Korean Central News Agency on the circumstances and historical background of the DPRK’s withdrawal from NPT.
were in their final stage under the new strategy of “pre-emptive strike” instead of the previous “deterrence” strategy.

By a 28 July letter [S/2003/768], the DPRK transmitted a memorandum of the Panmunjom Mission of the DPRK Army on the occasion of the fiftieth anniversary of the signing of the 1953 Korean Armistice Agreement [YUN 1953, p. 156]. The memorandum reviewed events on the Korean peninsula since the Agreement was signed, in particular the “hostile” policy against the DPRK adopted by the United States, and said that the United States had brought about nuclear threat and danger of war on the peninsula by having violated key provisions of the Agreement.

The Libyan Arab Jamahiriya, in a 20 February letter to the Secretary-General and the Council [S/2003/224], transmitted an initiative of Colonel Muammar Qaddafi on resolution of the Korean crisis through peaceful reunification on the peninsula.

India and the Russian Federation, on 21 November [A/58/611-S/2003/154], transmitted to the Council and the General Assembly a joint declaration adopted during the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the Russian Federation on 12 November. The two countries expressed support for efforts to pursue a peaceful solution to the nuclear problem on the Korean peninsula and to ensure its denuclearized status, including continuing six-way talks in Beijing, finding a mutually acceptable solution and further developing inter-Korean dialogue and cooperation.

**Papua New Guinea**

Significant progress was made in 2003 in UN efforts to resolve the conflict in the Papua New Guinea province of Bougainville, as implementation of the 2001 Bougainville Peace Agreement, concluded between the Government of Papua New Guinea and the Bougainville parties, entered its final stage. That Agreement, which had established the framework for a peace process, including a permanent ceasefire, as provided for in the 1998 Lincoln Agreement [YUN 1998, p. 329] and its annex, the Arawa Agreement [ibid.], covered issues of autonomy, the holding of a referendum and agreements on weapons disposal. The parties to the Peace Agreement completed phase II of the weapons disposal plan and reached agreement on the final disposal of the weapons collected, which allowed the United Nations Political Office in Bougainville (UNPOB) to carry out the necessary certification and verification. That set the stage for the next steps to be taken, particularly the entry into force of constitutional amendments to the Papua New Guinea constitution, which would lead to the drafting and presentation of a constitution for Bougainville, the delegation of police powers and expediting consultations on the functions of the interim provincial government and arrangements for elections. However, significant challenges remained, prompting the Secretary-General, in December, to accede to the Papua New Guinea’s request to maintain a UN presence on the island. The new mission, the United Nations Observer Mission in Papua New Guinea (UNOMB), would, among other functions, monitor the constitutional process leading to the adoption of a Bougainville constitution and verify and certify compliance by the parties with the weapons disposal plan. The Mission would work with UNDP, which would lead international reconstruction and rehabilitation efforts.

**UNPOB activities**

**Report of Secretary-General.** In March [S/2003/345], the Secretary-General, as requested by the Security Council in 2002 [YUN 2002, p. 332], reported on the activities of UNPOB, including the remaining challenges and UNPOB’s exit strategy. He stated that, following the 17 February adoption of an Action Plan for the Completion of Weapons Collection by political and former combatant leaders, 80.2 per cent of Bougainville had reached stage II of the weapons disposal plan under the Bougainville Peace Agreement and two districts had completely disarmed. Some 7.4 per cent of weapons had been destroyed ahead of the formal launch of stage III. Since the start of the Action Plan, the parties had re-contained one trunk of stolen weapons, held one stage I containment ceremony and scheduled more stage II containment ceremonies across the island. The parties to the peace process, the Bougainville Resistance Force (BFR) and the Bougainville Revolutionary Army (BRA), had scheduled separate discussions on the final fate of the collected weapons and were expected to reach a unified position on the matter. However, a major obstacle to completing weapons disposal was the continued non-involvement of Francis Ona and his Me’ekamui Defence Force (MDF) in the peace process, despite appeals by the parties to the Bougainville Peace Agreement. In the meantime, UNPOB was seeking ways to facilitate and expedite the completion of the stage II weapons collection in the shortest possible time.

On 1 February, the Bougainville Constitutional Commission released a draft constitution for Bougainville for island-wide consultations. On the basis of feedback, a second draft had been prepared and would be examined by the Joint Assembly of the Bougainville Interim Provincial
Government and the Bougainville People’s Congress. The draft would be returned to the Constitutional Commission following review by the bipartisan Ministerial Committee and the National Executive Council of the Government of Papua New Guinea. The text was expected to be finalized by the end of April and submitted for adoption to a Bougainville Constituent Assembly, which would be established on completion of stage II of weapons disposal. It was hoped that elections could then be held before the end of the year.

The Government of Papua New Guinea continued to demonstrate its commitment to implementing the Bougainville Peace Agreement. Following confidence-building cabinet-level visits to the island, the Government and the Bougainville parties signed a memorandum of understanding establishing a mechanism for consultations between them on all aspects of the autonomy arrangements, including the transfer of powers, functions and resources, and the settlement of disputes. An indication of the growing confidence between the two sides was the national Government’s withdrawal on 26 March of its Defence Force from Bougainville, well ahead of schedule.

The regional Peace Monitoring Group, which had made a valuable contribution to the peace process since 1998 [YUN 1998, p. 389], including the provision of logistical support to weapons collection and meetings of the Peace Process Consultative Committee, informed the parties of its intention to cease all operations on 30 June and to withdraw thereafter. UNPOB was working to ensure that, by that date, weapons disposal would be so far advanced that it would no longer require that level of support. However, since the process was unlikely to be completed by that date, UNPOB was of the view that the parties should review the weapons disposal process and, if necessary, replace the Peace Monitoring Group with an alternative arrangement.

The Secretary-General indicated that, in accordance with its mandate, once UNPOB had verified that stage II of the weapons disposal plan had been completed, the constitutional amendments would enter into force, paving the way for the election of an autonomous Bougainville government by the end of 2003 and the closure of UNPOB. UNPOB was looking to UNDP and other UN agencies to take the lead in facilitating the reintegration and rehabilitation of former combatants and the restoration of community services and infrastructure. Consultations were being held with UNDP aimed at ensuring its valuable contribution to post-conflict peace-building, including the improvement of governance. To further solidify peace in Bougainville, the Secretary-General appealed to the donor community to continue its assistance to the island following the expected departure of UNPOB at the end of 2003.

Security Council consideration (March). On 28 March [S/PV.6728], the Assistant Secretary-General for Political Affairs, Danilo Türk, updated the Security Council on developments in Bougainville. He informed the Council, which had before it the Secretary-General’s report, that implementation of the Plan of Action for the Completion of Weapons Collection seemed to be proceeding well. Additional weapons had been retrieved and three new stage II containments had taken place. As a result of direct contacts with persons responsible for previous break-ins into the containers, it was expected that weapons removed would soon be returned. In several other districts, former combatants, acting on UNPOB’s behalf, had been promoting reconciliation, settling issues and thus creating an atmosphere conducive to the containment of more weapons. The Assistant Secretary-General said that, after a decade of suffering, the people of Bougainville were working diligently to achieve a better future, giving confidence that, despite the remaining obstacles and political spoilers, particularly Mr. Ona, the Bougainville Peace Agreement could be fully implemented before the end of the year, allowing UNPOB to withdraw.

The Papua New Guinea representative told the Council that, with the active cooperation of ex-combatants, the break-ins and removal of weapons from containers that caused much concern in 2002 appeared to have ended and the national Government was cooperating with the police in providing financial and other support for efforts to provide security. The process was slow but UNPOB and the Peace Monitoring Group had been working hard to keep it moving ahead, as had the leaders of BRA and BRF. The Constitutional Commission had prepared a second draft of the proposed constitution, which was soon to be presented to the national Government. The Government had also appointed a high-level bipartisan National Committee to advise on its response to the Commission’s proposals. The Defence Force was expected to complete its withdrawal from Bougainville under the agreed weapons disposal plan at about the same time. The establishment of the Interim Joint Supervisory Body was another initiative taken well before any legal requirement, and the two sides had already begun to cooperate in managing the implementation of the agreed autonomy arrangements. The national Government was making some $1.5 million available in 2003 and 2004 as an establishment grant to assist the autono-
mous Bougainville government in meeting start-up expenses. Reform in the public sector was proceeding in readiness for the establishment of the autonomous government, with the assistance of the international community. As with the deadline set for the end of the UN mission [YUN 2002, p. 332], the challenge posed by the planned withdrawal of the Peace Monitoring Group at the end of June was how to make the utmost use of its presence and conclude weapons disposal before the Group left. Its withdrawal would also leave a void that UNPOB, especially as far as communications, transport and technical support for weapons disposal were concerned. The Government believed that the stage III meeting to decide on the final fate of weapons should be brought forward.

The New Zealand representative said that it had noted UNPOB’s intention to certify substantial compliance on the basis of affirmation from village and district communities in Bougainville that they were satisfied that the weapons in their areas had been contained and that the communities felt safe. UNPOB should formally declare that criterion without further delay and move quickly to certify that former combatants were in substantial compliance with stage II of weapons disposal as set out in the Bougainville Peace Agreement. There was currently a range of views on what the final fate of the weapons should be: New Zealand held the view that all weapons should be destroyed so that safety and security were not compromised by the return of weapons into the hands of those with criminal intent.

Completion of weapons disposal phase

Security Council consideration (August). The Head of UNPOB, Noel Sinclair, briefed the Security Council on 6 August [S/PV.4805]. He said that some dramatic steps had been taken since the last briefing to the Council, the most significant of which was the completion of stage II of weapons disposal, as required by the Bougainville Peace Agreement. Following an island-wide process of consultations to determine how the people of Bougainville felt as a result of what had been achieved, UNPOB informed the Peace Process Consultative Committee of its judgement that stage II of weapons disposal had come to an end and that the weapons disposal plan had served its purpose. On 30 July, UNPOB made that verification and certification to the national Government, which so advised the Governor General. It was expected that the Organic Law on Peace-Building in Bougainville would become fully operational shortly, setting the stage for the next steps to be taken, including the holding of elections for a Bougainville autonomous government. Consultations were taking place on those issues and a budget was being prepared for the funding of constitutional and electoral activities, including meetings of the Bougainville Constitutional Commission and of a constituent assembly.

Meanwhile, the process of weapons collection continued, and UNPOB was pushing ahead with its Operation Continuing Vigilance and Final Phase programmes. As to the final fate of the collected weapons, the national Government and BRA had indicated a preference for their destruction, while BRA preferred secure storage. UNPOB had been requested to preside over a consultation of the parties to seek a unified position on the question at the end of August. In the remaining months of its mandate, UNPOB would continue to ensure that the peace process kept moving forward. It was happy to have the support of the newly established Bougainville Transition Team, the successor to the Peace Monitoring Group, which completed its mission on 30 June. As responsibility for providing continuing international support for Bougainville peace consolidation efforts would devolve on UNDP, consultations were going on with a view to developing a joint approach for a smooth transition.

Mr. Sinclair observed that, with the completion of stage II of the weapons disposal plan, the parties had begun to talk seriously among themselves about stage III, for which a deadline of the middle of December had been set. The parties were also working to advance the autonomy aspects of the Peace Agreement, most importantly the finalization of a constitution and the holding of elections.

End of UNPOB and establishment of UNOMB

Security Council consideration (December). The Security Council, on 15 December [S/PV.4881], was briefed by the Assistant Secretary-General for Political Affairs on the situation in Bougainville. He reported that, as a result of the completion of stage II of the weapons disposal programme, BRA and BRF had put more than 1,900 pieces of weapons into 16 secured containers and 68 trunks, with a key being held by the relevant commander and UNPOB pending a final decision on the fate of those weapons. The achievement of that important benchmark allowed the national Government to enact the constitutional amendment and the Organic Law on Peace-Building in Bougainville, which expedited consultations among the parties on the constitution, the delegation of police powers, functions of the interim provincial government and arrangements for elections.
As to the constitutional process, the Papua New Guinea Attorney-General presented his comments on the second draft of the Bougainville constitution in October and differences relating to the consistency between the second draft and the Papua New Guinea constitution were being resolved. On 5 December, the Papua New Guinea cabinet, the National Executive Council, reaffirmed its commitment to honour the Bougainville Peace Agreement and to implement corresponding laws. It was expected that the Bougainville constitution would be adopted during the first quarter of 2004 and endorsed by the national Government by midyear.

Regarding phase III of weapons disposal, BRA and BRF adopted a 30 November resolution declaring that the final fate of the contained weapons should be their destruction, to take place upon the finalization of the essential components of the peace process: the coming into force of the Bougainville constitution, the resolution of outstanding issues with MDF and reconciliation between MDF, and BRA and BRF. That unified position on weapons destruction would facilitate the meeting of the Peace Process Consultative Committee (16-17 December), at which the national Government and Bougainville leaders were expected to meet or modify some of the conditions enunciated by the Bougainville factions, thereby facilitating the adoption of the stage III decision on the final fate of the weapons. UNPOB had prepared a statement on the administrative and technical issues that needed to be addressed before the process of destruction could begin and was grateful for the offers of technical support pledged by regional partners to facilitate the process.

On the issue of police powers, the National Executive Council decided to delegate police powers and functions to the Bougainville interim provincial government, with the formal handover scheduled for 16 or 17 December. Meanwhile, arrangements were being finalized for further strengthening Bougainville’s law and justice capacity through the deployment of 30 Bougainville police from the mainland and the recruitment of the first 50 to 100 Bougainvillean cadets for training. No progress was made on the so-called “no go zone”, the area controlled by Francis Ona, who continued to refuse to contain MDF’s weapons—a decision that could affect implementation of the BRA/BRF decision on the destruction of their weapons. Mr. Ona’s supporters also maintained roadblocks to prevent the delivery of government services and development assistance to the zone.

Recalling the deadline set by the Council for the closure and withdrawal of UNPOB, the Assistant Secretary-General said that the peace process would not be completed by 31 December 2003 and the United Nations shared the view of Papua New Guinea, as expressed in its letter of 11 December to the Secretary-General, and of the Bougainville parties, that a UN presence in Bougainville was still required, albeit a downsized presence, given the maturity of the peace process and the limited tasks remaining. Moreover, since the Bougainville Transitional Team was scheduled to withdraw by the end of the year also, a continued UN political presence would contribute to building confidence among the parties in the peace process and give the autonomous government to be established a fair chance of starting out in an environment that provided a reasonable prospect for the continued strengthening of peace, security and stability on the island. The proposed successor mission, the United Nations Observer Mission in Bougainville (UNOMB), to be established for six months starting in January 2004, would have as its functions: chairing the Peace Process Consultative Committee, reporting on security and the subsequent destruction of contained weapons, monitoring the constitutional process leading to adoption of the Bougainville constitution, verifying and certifying substantial compliance by the parties with the weapons disposal plan, and performing other good offices as appropriate. Given that limited role, the UNPOB staff would be reduced from six to a head of mission, one political adviser and two support staff, and consultations were taking place on sharing office space with UNDP in Buka and Arawa, which would result in substantial savings in both instances. The new mission would continue to work with UNDP and other UN bodies on practical aspects of peace-building in Bougainville. UNDP was working on the second phase of its rehabilitation programme for Bougainville, which would include assistance in agriculture and capacity-building.

Communication. The Secretary-General, on 19 December [S/2003/198], informed the Council President of his intention to establish, with the Council’s concurrence, a small follow-on UN observer mission in Bougainville (UNOMB) for a period of six months, with the functions as outlined by the Assistant Secretary-General (above). On 23 December [S/2003/199], the Council President informed the Secretary-General that Council members had taken note of his intention to establish UNOMB, and of the functions and staffing structure outlined.
Solomon Islands

Fiji, on behalf of the Pacific Islands Forum Group, transmitted to the Security Council President the Outcomes Statement of the Pacific Forum Foreign Affairs Ministers Meeting (Sydney, Australia, 30 June) [S/2003/755], which outlined the response of Forum members to a request from Solomon Islands for regional assistance in restoring peace and security. The Ministers agreed that the deterioration of law and order had undermined the country’s stability and the situation called for a concerted regional response. In that regard, they welcomed an assistance package proposed by Australia.

On 31 July [S/2003/799], Solomon Islands forwarded documents relating to the Australia-led Regional Assistance Mission, which was deployed to Solomon Islands to restore law and order and economic recovery: a Solomon Islands government policy statement on Australia’s offer of assistance; the Facilitation International Assistance Act 2003, adopted by Solomon Islands on 17 July to make provisions for assistance to restore law and order; and an Agreement between Australia, Fiji, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Tonga regarding the operations and status of the police and armed forces and other personnel deployed to Solomon Islands.

Tajikistan

The Secretary-General, on 8 May [S/2003/542], 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 2004, in view of its role and the country’s need for continuing support in its post-conflict peace-building efforts. The Council took note of his intention on 13 May [S/2003/543].

UNTOP was established in 2000 [YUN 2000, p. 315] following the withdrawal of the United Nations Mission of Observers in Tajikistan (UNMOT). The Office continued to focus its activities during the year on the consolidation of peace and national reconciliation, promotion of the rule of law, strengthening of democratic institutions and support for national capacity-building in the area of human rights. The Secretary-General reported that during the preceding year, UNTOP continued a series of Political Discussion Club meetings, attended by a number of national and local government and military officials, and representatives of the business community, civil society and the media, which focused on issues of national reconciliation, good governance, economic reform, improvement of the electoral system, democratization of society and promotion of human rights. UNTOP played an important role in strengthening the rule of law in Tajikistan and continued its support for the social integration of ex-combatants and demobilized contractual soldiers through assistance for vocational training for 270 ex-combatants.

UNMOT financing

On 17 April [A/57/792], the Secretary-General issued the final performance report of the United Nations Mission of Observers in Tajikistan (UNMOT), whose mandate expired in 2000 [YUN 2000, p. 314]. As at 30 June 2002, the total fund balance was $8,903,000. Uncollected assessments and other receivables totalled $1,552,000. The Secretary-General recommended that the General Assembly suspend the return of cash available for credit to Member States in the light of the Organization’s overall financial situation and the fact that, as at 15 March 2003, assessed contributions to peacekeeping in the amount of $1.5 billion remained unpaid.

Turkey

On 15 November, a suicide bomb attack against two synagogues in Istanbul, Turkey, killed 25 people. Five days later, double bomb attacks on the British consulate and the HSBC bank headquarters in Istanbul left many more dead and injured.

On 20 November, the Security Council, in resolution 1516(2003) (see p. 65), condemned the bomb attacks in Istanbul and other terrorist acts in various countries.

United Arab Emirates–Iran

Greater Tunb, Lesser Tunb and Abu Musa

The United Arab Emirates, in an 11 March letter to the Secretary-General [S/2003/302], requested that the Security Council retain on its agenda for 2003 the item entitled “Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People’s Democratic Republic of Yemen to the United Nations addressed to the Secretary-General (S/10409)”, concerning Iran’s occupation of three islands belonging to the United Arab Emirates, namely Greater Tunb, Lesser Tunb and Abu Musa, until a settlement of the related conflict was achieved by peaceful means through direct negotiation or through recourse to the International Court of Justice.