Chapter II

Africa

In 2004, Africa remained a priority concern for the United Nations, whose efforts to restore the conflict zones, especially the Great Lakes region and West Africa, to peace and stability were marked by progress and setbacks. While countries such as Sierra Leone and Liberia, with UN encouragement and assistance, were well on their way to overcoming obstacles that had blocked progress in the search for peace, others, including Côte d’Ivoire, Ethiopia and Eritrea, and Western Sahara, remained mired in conflict with little immediate prospects of finding mutually agreed solutions. The region suffered a further setback with the rapid escalation of the conflict situation in the Darfur region of western Sudan, which risked further destabilizing the continent. Concerned about Africa’s future stability, the Security Council sent missions to both the Great Lakes region and West Africa during the year to urge leaders and parties to the conflicts to make decisions that would lead to negotiated settlements. The Council held one of its sessions in Nairobi, Kenya, to demonstrate its deep concern for the problems facing the continent. Many of those problems were addressed by the Council, including the causes of conflict and the promotion of durable peace and sustainable development in Africa, and enhancing Africa’s peacekeeping capacity.

As the countries of the Great Lakes region continued to experience conflict, especially the Democratic Republic of the Congo (DRC) and Burundi, the First International Conference on the Great Lakes Region was held in November under the auspices of the United Nations and the African Union (AU). The Conference called for measures to address the priority issues of peace and security, governance and democracy, economic development, and social and humanitarian issues. Also in November, the Council sent a mission to the region, which reported that both the DRC and Burundi were at critical turning points in their peace processes as they were faced with implementing the remaining aspects of their agreed transition process, before proceeding with elections that could lead to durable peace and stability.

The military situation in the eastern part of the DRC deteriorated in mid-year, following months of slow progress in advancing the functioning of the Transitional Government established under the terms of a 2002 peace agreement. Subsequently, an integrated army command was instituted by the Transitional Government and the principal political institutions began to function. Despite that progress, the remaining problems, including the slow pace in adopting legislation, the need for State administration throughout the country, further integration of former opposing forces and preparation for elections, appeared intractable. Violence erupted in the east of the country, with charges by the DRC of Rwandan involvement. The United Nations Organization Mission in the DRC (MONUC) worked to halt the fighting and arranged for the disarmament, demobilization and reintegration of armed forces. In October, the Council increased the Mission’s size and expanded its mandate, giving it the authority to use all necessary means to carry out its responsibilities, including the protection of civilians and officials.

In Burundi, the transitional process was well under way, as positive steps were taken to implement the 2000 Arusha Agreement on Peace and Reconciliation, despite the refusal of one main armed movement to join the process. In May, the Council established the United Nations Operation in Burundi (ONUB), which took over from the AU peacekeeping mission. Its main tasks were to monitor ceasefire agreements, promote confidence between the forces, assist in the delivery of humanitarian assistance, contribute to the electoral process and protect civilians.

In the Central African Republic, the United Nations Peace-building Support Office in the Central African Republic (BONUCA) supported the Government’s efforts to achieve reconciliation and reconstruction, following years of unrest. The Government made progress in preparing for elections, scheduled for 2005, by adopting an electoral schedule and drafting a constitution and electoral laws. The constitution was adopted by the people in a December referendum.

The region of West Africa was marked by mixed progress in addressing conflicts. The Secretary-General, through the United Nations Office for West Africa (UNOWA), sought solutions to combat the regional cross-border problems. In that regard, he requested his Special Representa-
tive for West Africa to coordinate activities with the UN missions in the region and regional organizations, in particular the Economic Community of West African States (ECOWAS) and the Mano River Union (MRU). The Council called for a comprehensive and composite approach for solutions to the conflicts in West Africa and made recommendations to address the root causes of conflict and promote sustainable peace, security and good governance.

In Côte d'Ivoire, disagreements between political parties over the delegation of powers in the Government of National Reconciliation and the refusal of armed factions to lay down arms blocked further implementation of the 2003 Linas-Marcoussis Agreement. Three main rebel groups continued to hold the northern half of the country. In February, the Council established the United Nations Operation in Côte d'Ivoire (UNOCI), which created a zone of confidence between the south and the rebel-controlled north. After months of political stalemate and violent clashes between security forces and demonstrators, the parties signed the Accra III Agreement on reactivating the peace process. Little progress followed, however, and further hostilities erupted in November when Government forces attacked rebels' positions in the north. Mediation efforts, led by President Thabo Mbeki of South Africa, were undertaken to assist the parties to reach an agreement.

In Liberia, the National Transitional Government succeeded in restoring State authority over the entire country, with the assistance of the United Nations Mission in Liberia (UNMIL). The disarmament process was completed in October and armed groups were disbanded. However, the peace process remained fragile, as demonstrated by the outbreak of violence in late October.

Sierra Leone also made strides in consolidating stability, having fulfilled nearly all provisions of the 2000 Agreement on the Ceasefire and Cessation of Hostilities. That progress led to the drawdown of the United Nations Mission in Sierra Leone (UNAMSIL) from 11,300 troops to 5,000 by the end of the year. The disarmament, demobilization and reintegration programme for ex-combatants was closed on 31 March after four years. The Truth and Reconciliation Commission completed its trials of those accused of serious human rights abuses and crimes against humanity during the 10 years of civil war, and released its final report to the public.

Progress was also recorded in the Guinea-Bissau situation, as it completed with the terms of the 2003 Political Transitional Charter by holding legislative elections leading to the formation of a new Government in May. Preparations were under way for holding presidential elections. That progress was temporarily halted in October by a military mutiny, but calm was restored when the Government paid salary arrears of the armed forces and civil services. The United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS) continued to support the peace process.

Cameroon and Nigeria, acting through the Cameroon-Nigeria Mixed Commission, took steps to resolve their border issues, following the 2002 ruling of the International Court of Justice on the land and maritime boundary. Work began on the delimitation of the border.

The situation in the Sudan drew international attention when what appeared to be ethnic-based violence erupted in the Darfur region of western Sudan, complicating an already protracted civil war and creating a serious humanitarian situation. A peace process led by the Intergovernmental Authority on Development (IGAD) and assisted by the AU was directed at helping the parties implement the 2002 Machakos Protocol dealing with the issues of the right to self-determination for the people of southern Sudan, and the status of State and religion, and the 2003 Framework Agreement on Security Arrangements signed by the Government, the main rebel group, and the Sudan People's Liberation Movement/Army (SPLM/A). On 26 May 2004, the parties agreed on a power-sharing mechanism under a Government of National Unity and on the administration of certain conflict areas. Meanwhile in the south, rebel militias, known as the Janjaweed, carried out attacks on civilians in villages and settlements in the Darfur region. By mid-2004, over a million people were in need of urgent humanitarian assistance and about 200,000 refugees had fled to Chad. The UN Secretary-General responded to the situation by proposing that an advance team be sent there to prepare for international monitoring of the 2003 security agreement. The United Nations and the Sudan signed on 5 August a Plan of Action on Darfur, by which the Sudan pledged to restore security to Darfur, enable delivery of aid and assist in the voluntary return of displaced persons. However, on 18 September, the Security Council said that the Government had not met its commitments to improve the security of the civilian population of Darfur. The Council supported the AU plans to augment its monitoring mission in Darfur, and urged the Government and the rebel groups to reach a political solution. Towards the end of the year, the parties completed the process for the full implementation of the peace framework, with the Government and SPLM/A agreeing on a series of documents to be incorpo-
ratted into a comprehensive peace agreement and signed in 2005. However, the situation in Darfur remained a matter of concern. The Secretary-General, as requested by the Council, established the International Commission of Inquiry for Darfur to investigate reports of serious violations of international humanitarian law and human rights law.

Slow but steady progress was made in the national reconciliation process in Somalia, which began in 2002 at the Eldoret (Kenya) Conference under the auspices of IGAD. In January 2004, Somali leaders signed a declaration on agreement of issues related to a transitional federal government. At the Somali National Reconciliation Conference, held in Kenya intermittently over a period of two years and attended by numerous representatives of Somali factions and clans, with the notable exception of Somaliland, the participants agreed to form the Transitional Federal Parliament. In late 2004, that body elected its Speaker and the Transitional President, thereby establishing the first national governmental institutions since the country’s central Government disintegrated under the pressures of civil war 14 years earlier. IGAD, as organizer of the Conference, convened ministerial committee meetings which reached agreement on various aspects of the planned transitional federal Government, and the AU dispatched a reconnaissance mission to prepare for deploying military monitors to Somalia. The United Nations Political Office for Somalia (UNPOS) remained involved in the peace process and humanitarian efforts and continued to operate from Nairobi. The monitoring group established by the Secretary-General to investigate violations of the arms embargo against Somalia reported in August that weapons continued to flow into, through and out of Somalia, in contravention of the embargo.

Little headway was made in the border dispute between Eritrea and Ethiopia. The United Nations Mission in Ethiopia and Eritrea (UNMEE), which maintained its presence along the border zone, continued to monitor the implementation of the 2000 Algiers Peace Agreements between the two countries. Although a decision on delimitation of the border had been made in 2002 by the Boundary Commission and the Secretary-General’s Special Envoy continued to negotiate with both sides, the physical demarcation process remained stalled throughout 2004. In November, Ethiopia proposed a plan for resolving the dispute through peaceful means, including the suggestion that both sides implement the Boundary Commission’s decision. Eritrea was dismissive of the plan.

The question of the future of Western Sahara also remained unresolved due to a lack of compromise by the two parties to the dispute, Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Rio de Oro (POLISARIO), despite their 1990 agreement to hold a referendum for the people to decide between independence or integration of the Territory with Morocco. The latest peace plan, drawn up in 2003 by the Secretary-General’s Personal Envoy, would divide governmental and administrative responsibilities between the parties before the referendum was finalized. POLISARIO eventually accepted that plan, but Morocco continued to reject it. By the end of the year, the Secretary-General said that an agreement appeared more distant than a year earlier, as there was no consensus on how to proceed to overcome the deadlock. The United Nations Mission for the Referendum in Western Sahara (MINURSO) continued to monitor the ceasefire.

In December 2003, the Libyan Arab Jamahiriya announced its decision to abandon programmes for developing weapons of mass destruction and their means of delivery. The International Atomic Energy Agency (IAEA), on 10 March, welcomed the voluntary decision and Libya’s request that IAEA ensure verification that all its nuclear activities would be under safeguards and exclusively for peaceful purposes. In April, the Security Council also welcomed the decision and encouraged Libya to ensure the verified elimination of all of its weapons of mass destruction programmes.

**Promotion of peace in Africa**

The United Nations remained engaged in 2004 in the search to resolve the root causes of conflict and to encourage peace and sustainable development in Africa.

In August, the Secretary-General reported on implementation of his 1998 recommendations on overcoming the root causes of conflict and promoting durable peace, focusing on progress and hindrances encountered over the previous two years. He found that, while progress had been made in tackling conflict situations, some worrisome trends had emerged. The General Assembly welcomed the progress as reported by the Secretary-General and his recommendation that Member States strengthen cooperation between the UN system and the AU and other African organizations in the maintenance of peace and security. The Secretary-General was requested to
explore suitable arrangements through which Member States could support Africa’s efforts to address the multiple causes of conflict.

The Secretary-General, reporting in November on the peacekeeping capacity in Africa, discussed the efforts of the AU and other African regional and subregional organizations in strengthening their continental security architecture, including the establishment of an African Standby Force, and proposed measures the United Nations could adopt in support of that initiative.

Working Group. In an 8 January note (S/2004/15), the Security Council President said that, after consultations among the members, it had been agreed that Ismael Abraão Gaspar Martins (Angola) would serve as Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa until the end of 2004. In a 30 December note (S/2004/103), the President stated that the Council members had agreed that the Ad Hoc Working Group would continue its work until 31 December 2005.

That Working Group, established in 2002 (YUN 2002, p. 95), reported in December 2004 (S/2004/289) on its 2003-2004 activities. It provided assistance to a number of meetings and panels related to conflict prevention and resolution, contributed to Council missions to Africa, and enhanced its working relationship with Economic and Social Council advisory groups dealing with African countries emerging from conflict. It also examined regional and cross-conflict issues that affected the Security Council’s work, and developed partnerships with other institutions, such as the International Peace Academy.

Security Council consideration. The Security Council, on 22 December (meeting 5060), heard a statement by the Chairman of the Ad Hoc Working Group on the Group’s 2003 report (YUN 2003, p. 105). He recalled the Group’s round-table discussion with the International Peace Academy, which included the Secretary-General’s suggestion to consider how to deal with Governments that had been democratically elected but defied constitutional order and flouted basic governance. Referring to the Council’s invitation, in presidential statement S/PRST/2004/44 (see p. 282), to the Secretary-General to explore new means of cooperation between the United Nations and the AU, he said that the Working Group could play a pivotal role in enhancing cooperation between the Council and the AU’s newly established Peace and Security Council. He suggested that the Working Group reflect on how it could better implement its mandate, including through the continued development of partnerships with other institutions, and on its future status within the Council in order to respond to new trends in the search for solutions to African conflicts.

Economic and Social Council action. The Economic and Social Council considered the work of its ad hoc advisory groups on African countries emerging from conflict and, in July, it adopted resolution 2004/59 on its assessment of those advisory groups (see pp. 156 and 932). Implementation of Secretary-General’s 1998 recommendations on promotion of peace

Report of Secretary-General (August). The Secretary-General, in response to General Assembly resolution 58/235 (YUN 2003, p. 106), submitted on 20 August (A/59/285) a report on implementation of the recommendations contained in his 1998 report on the causes of conflict and promotion of durable peace and sustainable development in Africa (YUN 1998, p. 66). The report, which updated information since his 2003 review (YUN 2003, p. 106), highlighted progress in the implementation of those recommendations, identified challenges and constraints and made specific proposals on measures to accelerate the implementation of those recommendations. He reported that, while steady progress was made in peacemaking and peacekeeping, progress was slow in other areas, such as the strengthening of democratic governance, enhancing administrative capacity, ensuring the independence of the judiciary and promoting transparency and accountability.

The number of countries in the region experiencing armed conflict had dropped from 14 in 1998, to six in 2004 and very few others were facing deep political crises. Most African countries were relatively stable politically and were governed by democratically elected regimes. Their efforts were directed at economic reconstruction and at combating poverty and underdevelopment. Peace agreements were negotiated in Burundi, Côte d’Ivoire, the Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, Liberia and the Sudan. Under the auspices of the AU, African countries had established a legal framework and structures to deal with conflicts, such as the Peace and Security Council and the protocol relating to its establishment, and the Committee of the Wise which supported the Council. They also deployed peacekeeping forces and military observers in a number of African countries and were establishing an African standby force to enable them to participate more effectively in peace operations. The number of military coups had diminished and those countries that had experienced attempted or successful coups (Central African Republic, Comoros, Guinea-Bissau, Sao
Tome and Principe and Sierra Leone) had restored or were attempting to return to law and order. Efforts were also under way in the areas of governance and human rights. Some 23 countries had acceded to the African Peer Review Mechanism of the New Partnership for Africa’s Development (NEPAD) [YUN 2001, p. 899], set up by the AU to promote political, economic and corporate governance and human rights observance. The long-standing issue of Angola had been resolved, and the Security Council had approved new peacekeeping missions in Burundi, Côte d’Ivoire, the DRC and Liberia, and an advance team for the Sudan. In general, there were increased prospects for peace restoration in all countries experiencing armed conflict, although instability continued in the Great Lakes region, the member countries of the Mano River Union and in parts of Central Africa.

The report provided details of action taken to implement the recommendations as well as constraints in the following areas of peacemaking: the appointment of special mediators and special commissions; mobilizing international support for peace efforts; improving the effectiveness of sanctions; stopping the proliferation of arms; establishing multidisciplinary peacekeeping missions that bridged the gap to integrated reconstruction and development; supporting efforts by African regional organizations in peacekeeping; providing UN and other support for regional and subregional initiatives; protecting civilians in situations of conflict; addressing refugee security issues; coordinating humanitarian assistance; ensuring post-conflict peace-building; financing recovery, especially by the International Monetary Fund and the World Bank; working towards a coordinated international response; securing respect for human rights and the rule of law; promoting transparency and accountability in public administration; managing natural resources; and eliminating discrimination against women.

The Secretary-General noted that slow progress was shown in poverty reduction, despite African countries’ efforts to implement NEPAD and create an enabling environment for economic growth and sustainable development. Efforts were under way to reduce trade in small arms and to prevent the harbouring of opponents with military capabilities in neighbouring countries and uncontrolled military groups.

However, certain trends threatened to affect peace in Africa adversely, including the worsening conditions for young people, in particular high unemployment rates, the spread of the HIV/AIDS pandemic, and the illicit exploitation of and trade in natural resources. Demographic pressures and issues of migration were becoming an increasing source of tension in West, Central and East Africa, as a result of high fertility rates and a shortage of arable land. Those pressures threatened to undermine UN and African Governments’ efforts in peace-building, the promotion of good governance and democratization. The Secretary-General urged the international community to take steps to reverse those trends, including tightening the rules and controls to regulate the trade in diamonds (see p. 57) and engaging more seriously in the fight against poverty, and to support efforts to strengthen cooperation among the UN system, the AU and other African regional organizations. In that regard, he instructed relevant UN agencies, departments and offices to look into new ways of collaboration.

**GENERAL ASSEMBLY ACTION**

On 23 December [meeting 76], the General Assembly adopted resolution 59/255 [draft: A/59/L.50/Rev.1 & Add.1] without vote [agenda item 38 (b)].

**Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa**

*The General Assembly,*


Recalling further the creation by the Economic and Social Council, by its resolution 2002/1 of 15 July 2002, of an ad hoc advisory groups on African countries emerging from conflict,

Reaffirming that the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa must remain a priority on the agenda of the United Nations system and for Member States,

Noting with concern the slow progress in the implementation of many of the recommendations contained in the report of the Secretary-General, as well as the emergence of trends that could potentially affect the peace and stability of Africa,

Stressing that the responsibility for peace and security in Africa, including the capacity to address the root causes of conflict and to resolve conflicts in a peaceful manner, lies primarily with African coun-
tries, while recognizing the need for support from the international community.

Reaffirming the need to strengthen the synergies between Africa’s economic and social development programmes and its peace and security agenda,

1. Takes note of the progress report of the Secretary-General on the implementation of the recommendations contained in his report on the causes of conflict and promotion of durable peace and sustainable development in Africa, including an overview of trends and challenges as well as further advances in a wide range of areas made since the last progress report;

2. Welcomes the progress that has been made in the prevention and settlement of disputes and the sustained efforts by African regional and subregional initiatives to mediate and resolve conflicts, and the support given by the international community and the United Nations to those efforts;

3. Notes with appreciation the efforts to enhance cooperation among Member States to ensure that African regional and subregional initiatives continue to be taken in close consultation and coordination with the United Nations in order to ensure that the United Nations can play a clear role, as appropriate, in the subsequent implementation of mediated settlements;

4. Welcomes the successful establishment of the Peace and Security Council of the African Union, and looks forward to the establishment of other supporting elements such as a Panel of the Wise, a continental early warning system, an African standby force and a special fund;

5. Encourages, in this context, the international community to continue to support the ongoing efforts of African countries to develop their capacity to undertake peace support operations at regional and subregional levels, including their effort to establish a continental early warning system;

6. Welcomes the establishment and coming into force of the African Peace Facility of the European Union to support the implementation of peace initiatives undertaken by the African Union and African subregional organizations;

7. Also welcomes the recommendation of the Secretary-General to Member States to strengthen cooperation between the United Nations system, the African Union and other African organizations in the maintenance of international peace and security;

8. Further welcomes the decision of the Secretary-General to instruct relevant agencies, departments and offices of the United Nations to look into new ways of collaborating with the African Union in order to boost its efforts in undertaking peace operations;

9. Recognizes the contribution made by the ad hoc advisory groups on African countries emerging from conflict of the Economic and Social Council, as well as by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Security Council, in promoting peace and sustainable development, and emphasizes the need for continued collaboration between the Economic and Social Council and the Security Council in generating a coherent approach to the challenges of conflict prevention, conflict resolution and post-conflict reconstruction in Africa;

10. Notes the support offered by the United Nations system in the context of conflict prevention and peace consolidation, and in this regard calls upon Member States, in particular donor countries, as well as other development partners and relevant regional and subregional organizations as appropriate, to continue to provide financial and technical assistance, in a coordinated and sustained manner, to support activities in Africa, inter alia, to eradicate poverty, promote respect for human rights and strengthen the rule of law and transparent and accountable public administration;

11. Requests the Secretary-General to explore and recommend suitable arrangements and mechanisms through which Member States could more effectively support Africa’s efforts to address the multiple causes of conflict in Africa, including their regional dimensions, and to strengthen, in a coordinated and sustained manner, preventive action as well as post-conflict peacebuilding;

12. Decides to continue to monitor the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa;

13. Requests the Secretary-General to submit to the General Assembly at its sixtieth session a progress report on the implementation of the present resolution.

African peacekeeping capacity

Consideration by Special Committee on Peacekeeping Operations. The Special Committee on Peacekeeping Operations, at its 2004 session (New York, 29 March–16 April), discussed enhancing African peacekeeping. It recognized the effort to establish the African Standby Force (see below) through regional partnership arrangements and the need to further expand the pool of African military, civilian police and civilian specialists available for peacekeeping operations. It requested that efforts to train African peacekeeping military personnel be enhanced and conducted according to UN standards and that regional and subregional organizations and Member States expand training for civilian police and specialists. The Special Committee welcomed the new partnerships for building Africa’s capacity for conflict prevention, peacekeeping and peace-building between the United Nations, the AU and other regional organizations and bodies, and individual Member States, and looked forward to the Secretary-General’s comprehensive report on the enhancement of Africa’s peacekeeping capacity.

Report of Secretary-General. In accordance with General Assembly resolution 57/48 [YUN 2002, p. 235], the Secretary-General reported on 30 November [A/59/591] on the enhancement of African peacekeeping capacity. The report examined the role of African regional and subregional organizations in peacekeeping and that of the African Standby Force in a response system, and the way forward. The report noted that, since 1999, the United Nations had faced a surge in demand
for peacekeeping and, of the more than 53,000 troops, military observers and civilian police currently serving in 17 UN missions, more than half of them were in Africa. In the previous year, the Security Council had authorized new missions in Burundi and Liberia, expanded those in Côte d’Ivoire and the DRC, and was planning another for the Sudan (see p. 247).

In the past five years, the AU and subregional organizations, such as the Economic Community of West African States (ECOWAS), had played an increasingly prominent role in the maintenance of peace and security in African regions. Cooperation with ECOWAS included support to its missions in Côte d’Ivoire, Liberia and Sierra Leone in the form of the provision of logistical and financial advice, planning and deployment and sustainment. The Secretary-General’s Special Representative for West Africa worked with States and organizations on issues of cross-border security problems, such as illicit trafficking of weapons and combatants, and conflict prevention in the Mano River region. In East Africa, the United Nations supported the Intergovernmental Authority on Development (IGAD).

A new AU security structure was expected to have profound implications for peacekeeping on the continent, particularly the Policy Framework Document approved by the AU Summit (Addis Ababa, Ethiopia, 6-8 July), establishing the Standby Force and the Military Staff Committee. A standby brigade from each of the five subregions, established by 2010, would be composed of nationally based units available for rapid deployment under the auspices of such organizations as the AU, ECOWAS or the Southern African Development Community (SADC) or a coalition of the willing. The Standby Force, which would participate in various peacekeeping scenarios, from ceasefire monitoring to multidimensional peacekeeping and peace enforcement, would allow African Member States to contribute more effectively to both African and UN-led peacekeeping operation in Africa and elsewhere and would be a welcome addition to tools available to the international community for managing crises in Africa and other parts of the world.

In addressing the way forward, the Secretary-General welcomed the commitment made by the Group of 8 at their annual summit (Sea Islands, United States, June), in response to the AU’s appeal for assistance in setting up the Standby Force, to train and help equip 75,000 peacekeepers by 2010 as part of a plan to expand global capability for peace support operations. He also welcomed the commitment of the European Union (EU) to strengthening the AU’s ability to conduct peace support operations, including through the establishment of the African Peace Facility [S/2004/444] at a cost of 250 million euros, which became operational on 25 May. It also provided funds for the AU to expand its peace and security staff capacity; in a 6 July declaration, it reiterated its intention to support the strengthening of peace and security mechanisms in Africa.

For its part, the United Nations focused on building the capacity of individual African troop contributors to participate in UN peacekeeping operations. It could do more to assist the AU, but it had to have a clear mandate and the required resources. The Organization, with its partners, also needed to coordinate efforts within the framework of a joint action plan that reflected comparative advantage in delivering peace and security and the needs and wishes of the providers and beneficiaries of peacekeeping operations. Such a plan should address issues such as a common doctrine and training standards; equipment and adequate logistical support, including sea and airlift capabilities; funding; and planning and management capacity for peacekeeping operations. The Secretary-General suggested concrete initiatives the United Nations could undertake in collaboration with key African partners in those areas, including: the establishment of a revolving fund to allow African Member States to obtain equipment from liquidating peacekeeping missions in Africa or to purchase from the United Nations strategic deployment stocks; promoting the use of a common set of equipment; making available to the AU, to strengthen its strategic headquarters capacity, the significant UN capacity to plan, launch, manage and conduct peacekeeping operations; and promoting longer-term programmes for the exchange of staff.

Those measures should be seen as part of an “open door” policy to give African regional and subregional organizations full access to updated information on conflicts and potential conflicts, best practices and lessons learned, mission planning templates and other relevant documents.

Central Africa and Great Lakes region

The volatile situation in Central Africa and the Great Lakes region remained a major concern to the international community in 2004, in particular the conflicts in the Democratic Republic of the Congo (DRC), Burundi and Rwanda. During the year, the United Nations continued its search for political solutions to the widespread unrest in the Great Lakes region. In support of that effort,
it organized in November, in collaboration with the AU, the First International Conference on the Great Lakes Region, which outlined a number of measures to address the priority issues of peace and security, governance and democracy, economic development, and social and humanitarian issues. In addition, the United Nations Standing Advisory Committee on Security Questions in Central Africa met at the ministerial level in June to discuss the geopolitical and security situation in the region.

Meanwhile, the Security Council, as it had done in the previous four years, sent a mission to the region in late November to assess the situation. The mission reported that both the DRC and Burundi were at a crucial turning point in their peace processes and faced the similar challenge of implementing the outstanding aspects of their respective transition process, such as conducting credible elections that would lead to durable peace and stability. Both also had transitional Governments in place and, with assistance from UN peacekeeping forces, were attempting to solve the issue of armed groups by bringing them into the peace process and arranging disarmament and reintegration programmes.

In the DRC, following months of slow progress to advance the establishment and functioning of the transitional Government, as outlined in the 2002 Global and All-Inclusive Agreement [YUN 2002, p. 125] signed by a number of armed factions, the transitional Government in Kisangani took steps to establish an integrated army command and to operationalize the principal political institutions. However, a number of challenges remained, including the slow pace in adopting needed legislation, the extension of State administration throughout the country, military integration and reintegration of former forces, and preparation for elections. The situation was further complicated by the outbreak of violence in eastern DRC, causing the military and security situation to deteriorate. The Governments of the DRC and Rwanda accused each other of involvement in the violence by supporting antigovernment armed groups. The United Nations Mission in the Democratic Republic of the Congo (MONUC) took action to halt the fighting and coordinated with the Government and opposing parties to arrange the disarmament, demobilization, resettlement and reintegration of armed forces. The Security Council expressed concern about the continuation of hostilities in eastern DRC and warned neighbouring States of the consequences of supporting armed rebel groups.

Acting on the recommendation of the Secretary-General, the Security Council, in October, authorized the increase of MONUC military personnel to 16,700 and expanded its mandate, giving it the authority to use all necessary means to carry out its tasks. Those tasks included deployment to volatile areas, ensuring the protection of civilians, seizing illegal arms, protection of officials and contributing to the electoral process.

Relations with Rwanda remained tense as the two countries continued to make charges and counter-charges of invasion and threats of invasion and of assisting opposing armed factions. Nevertheless, the two countries were among the regional States which signed the Tripartite Agreement and the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. They also established the Joint Verification Mission to monitor the border between their countries.

As requested by the Council, the Secretary-General established a Group of Experts to report on the flows of arms in the region. The Group found that Rwanda supported dissident military leaders in eastern DRC and violated the arms embargo. In July, the Council extended the arms embargo for another year, until 31 July 2005, and requested the Secretary-General to re-establish the Group of Experts.

The transitional process in Burundi also made some progress towards implementation of the peace agreement between rebel forces. The 2000 Arusha Agreement on Peace and Reconciliation [YUN 2000, p. 146] provided for political reform during a three-year transition period. By 2004, only one main armed movement had not joined the political process and hostilities continued throughout the year in one area of Burundi where that group continued to operate. In May, the Security Council established the United Nations Operation in Burundi with a maximum force of 3,650 military personnel to monitor ceasefire agreements, promote confidence between Burundi forces, monitor the illegal flow of arms and the quartering of Burundi armed forces, assist in providing safe conditions for delivery of humanitarian assistance, contribute to the electoral process, and protect civilians. The UN mission took over from the African Mission in Burundi set up by the AU in 2003, and it incorporated the existing United Nations Office in Burundi.

In August, some 150 refugees from the DRC were massacred in Gatumba, Burundi, in what appeared to be an ethnically motivated crime. Investigations were unable to determine who had organized and carried it out. In December, the Security Council called on the DRC and Rwanda to cooperate with Burundi in the investigation of the massacre, and it requested the UN missions in those countries to assist the investigation and
strengthen the security of vulnerable populations. The Council stated its intention to consider measures against those who threatened the national reconciliation process in Burundi.

Towards the end of the year, progress was made, especially with regard to the peaceful extension of the Burundi transitional Government for at least six months after its original deadline of 31 October 2004, the establishment of an electoral calendar, and the adoption of a post-transition constitution to be put to a popular referendum. Legislation remained to be adopted on electoral procedure and reform of the armed forces and police.

The Central African Republic was also run by a transitional Government in 2004, following a coup d’état in March 2003. In similar steps as in other regional countries, the Government, which included all political factions, made progress towards elections, scheduled for 2005, having adopted an electoral schedule and having drafted a constitution, electoral code and laws on political parties. The constitution was approved by the people of the Central African Republic in a December referendum. The United Nations Peace-building Support Office in the Central African Republic remained in the country to support the Government’s efforts to achieve reconciliation and reconstruction following years of unrest and continued serious crime. The crises of the region and, in particular, the burgeoning problems in the Sudanese region of Darfur, were also areas of concern for the Central African Republic.

The year 2004 marked the tenth anniversary of the 1994 genocide in Rwanda, for which the General Assembly held a solemn commemoration. On 11 November [S/2004/901], the Secretary-General stated that the mandate of his Special Representative for the Great Lakes Region would expire on 31 December. In view of the first and second conferences on the Great Lakes, he affirmed his intention to extend the mandate until 31 December 2005. The Council took note of the intention on 16 November [S/2004/905].

**International Conference on Great Lakes**

The First International Conference on Peace, Security, Democracy and Development in the Great Lakes Region was held on 19 and 20 November in Dar es Salaam, United Republic of Tanzania. Organized under the auspices of the United Nations and the AU, the summit meeting was preceded by the Pre-Summit Meeting of the Ministers for Foreign Affairs (Dar es Salaam, 16-17 November), the First Great Lakes Regional Women’s Meeting (Kigali, Rwanda, 7-9 October) and the Meeting of Regional Non-Governmental Organizations from the Great Lakes Region (Arusha, United Republic of Tanzania, 20-24 September). The Conference concluded with the adoption and signing of the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region by the heads of State and Government of Angola, Burundi, the Central African Republic, the Congo, the DRC, Kenya, Rwanda, the Sudan, Uganda, the United Republic of Tanzania and Zambia.

The Declaration, which provided a vision and follow-up mechanism, addressed the four themes of the Conference: peace and security, democracy and governance, economic development and regional integration, and humanitarian and social issues. The leaders expressed their commitment to: support the national peace processes in the region and refrain from negatively impacting them; establish a regional security framework for the prevention, management and settlement of conflicts; strengthen cooperation in defence and security; ensure security at borders; prevent assistance to armed groups; support national disarmament and demobilization programmes; fight trans-border crime and terrorism; protect vulnerable groups; promote democracy and good governance; promote multiculturalism, tolerance and human rights; cooperate in enhancing economic growth through economic integration; establish or strengthen regional legal, administrative and institutional frameworks for regional integration; adopt regional policies to promote the private sector; promote cooperation in trade, monetary policies, energy, transport, tourism, culture, environment and information technologies; pursue a collective strategy on enhanced access to international markets; find solutions to the problems of displaced and refugee populations; guarantee the safety of humanitarian personnel; establish an early warning and rapid response mechanism for natural and man-made disasters; prohibit the recruitment of children into armed forces; and promote strategies to curb the spread of endemic diseases such as HIV/AIDS, tuberculosis and malaria.

The participants decided to set up a Regional Inter-Ministerial Committee, assisted by the Regional Preparatory Committee, to prepare draft protocols and programmes of action to be submitted to the second summit which would form the Declaration part of a pact on security, stability and development in the Great Lakes region.

**Conference preparations**

The Secretary-General, in a 12 March letter to the Security Council [S/2004/328], noted the progress in the preparations for the international conference on the Great Lakes region and stated
that, in order to assist in follow-up to the conference’s preparatory meetings and in the establishment of the national preparatory committees, the Office of his Special Representative would need nine international civil servants, in addition to its current seven administrators. On 30 June [S/2004/529], the Council President responded that members had requested more detailed information on the need for nine additional staff.

The EU, in a 19 October statement of its Presidency, on the occasion of the meeting of the Preparatory Committee for the International Conference on the Great Lakes Region (Kinshasa, DRC) [S/2004/864], pledged the financial, technical and diplomatic support of the Group of Friends of the Great Lakes Region, of which the EU was a member, to help make the conference a success.

Security Council consideration. On 27 October [meeting 5065], the Security Council was briefed by Ibrahima Fall, the Special Representative of the Secretary-General for the Great Lakes Region, on the status of preparations for the First International Conference to be followed by a second and final summit in 2005. He said that the entire process had given rise to ideas and suggestions for the regional preparatory meetings, on the basis of which the Dar es Salaam declaration would be finalized. The inclusive preparatory meetings allowed for a geographical broadening among countries participating, which increased from seven to eleven, with the addition of Angola, the Central African Republic, the Congo and the Sudan. Four priority areas had been identified for the conference: peace and security; governance and democracy; economic development and regional integration; and social and humanitarian issues.

Members of the Council continued informal consultations on the subject.

Security Council missions to Central Africa

Follow-up to 2003 mission. The Secretary-General, in response to Security Council presidential statement S/PRST/2003/12 [YUN 2003, p. 109], submitted a 20 January progress report [S/2004/72] on advances made in the implementation of the recommendations of the Council’s 2003 mission to Central Africa [YUN 2003, p. 109] regarding the situations in the DRC and Burundi (see pp. 120 and 152), and to bring them to a successful conclusion in 2005. It would call on Governments of the region to cooperate in areas of security, including joint monitoring of borders and combating the illegal traffic in arms, and economic development. The mandate also addressed the specific situations and actions to be accomplished in each of the countries to be visited.

On 30 November [S/2004/934], the mission reported on its visit, the fifth in as many years. The mission observed that, while the Council had recognized the linkages between the peace processes of the DRC and Burundi, the regional dimension of the conflict had become more prominent over the previous 18 months, as was demonstrated by the massacre on 13 August in a refugee transit centre in Gatumba, Burundi (see p. 150). The resulting refugee flows affected all countries in the subregion. The mission was also concerned by unconfirmed reports of cross-border cooperation between different armed groups. Despite the reinforcement of MONUC and the establishment of ONUB, the task remained vast. With no fewer than 325 identified airstrips, illicit arms continued to flow through the porous borders into the DRC. The mission condemned the prevalence of sexual violence in both the DRC and Burundi, perpetrated by almost all armed groups, including army units of the two countries. However, it was convinced that the provisions of the Dar es Salaam Declaration (see p. 116) provided a solid basis for consolidating peace and promoting cooperation between the countries of the Great Lakes region. The successful conclusion of the First International Conference on the Great Lakes Region gave hope for regional cooperation. Rwanda’s threatened preparedness to cross the border to “neutralize” the former Armed Forces, of the Great Lakes Region, of which the Assistant Secretary-General would need substantial progress had been made in the peace processes in both countries since the Council’s mission in 2003. However, much remained to be done to consolidate the historic advances and to build sustainable peace in the region. The international community’s commitment to continue supporting peace efforts in the subregion was therefore as critical as ever. The mission provided an added impetus, encouraging the parties to fulfill their commitments to the peace process in both Burundi and the DRC.
Forces of Rwanda (ex-FAR/Interahamwe) reinforced the need for stronger regional cooperation.

The mission exchanged views with President Museveni of Uganda on the status of the peace processes and on the humanitarian situation in Uganda. In regard to northern Uganda, Mr. Museveni expressed the view that the conflict there would soon cease, given the recent developments in the Sudanese peace process (see p. 236) as a result of the curbing of cross-border operations of the Lord’s Resistance Army, whose combatants had become “fugitives”.

The mission concluded that, in spite of the remaining challenges, there had been a steady positive trend in the promotion of regional security. Since the adoption of the Principles on Good-Neighbourly Relations and Cooperation between the DRC and its eastern neighbours in September 2003 [YUN 2003, p. 152], much progress had been made, leading up to the adoption of the Dar es Salaam Declaration. The mission recommended that the Council encourage the participants in the International Conference on the Great Lakes Region to focus on the development of priorities and speedy implementation.

**Security Council consideration.** The Council, on 30 November [meeting 5091], heard a briefing by the head of the mission, Mr. de La Sablière, who said that the mission came back encouraged, even though much remained to be done, by the widely shared determination by Congolese and Burundian officials to move to elections and, by the extent of the progress achieved since the Council’s 2003 mission. The international community should exert effective influence in its engagement in the two countries. To that end, better use should be made of the coordination mechanisms in the DRC. It was equally essential that the elections scheduled for 2005 should not be jeopardized by new outbreaks of violence, particularly in the eastern part of the DRC. The regional dimension of certain problems made it clear that the success of the Great Lakes Conference had to be followed up by the swift implementation of the Dar es Salaam Declaration by establishing priorities. Thinking about the post-electoral period should also begin.

**Standing Advisory Committee on Security Questions**

The United Nations Standing Advisory Committee on Security Questions in Central Africa, at its twenty-first ministerial meeting (Malabo, Equatorial Guinea, 21–25 June) [A/59/154-S/2004/ 576], discussed the geopolitical and security situation in Burundi, the Central African Republic, Chad, the DRC, Equatorial Guinea, and Sao Tome and Principe; cooperation between the United Nations and the Economic Community of Central African States (ECCAS); and the Committee’s future.

Concerning Burundi, the Committee welcomed the 2003 signing of the Global Ceasefire Agreement [YUN 2003, p. 152] but remained concerned about the lack of resources for initiating the disarmament, demobilization and reintegration (DDR) process. It recommended the establishment of an electoral and political system which encouraged compromise, the search for consensus to facilitate national reconciliation, and the observance of the electoral timetable stipulated in the 2000 Arusha Agreement [YUN 2000, p. 165]. The Committee called on ECCAS to become more involved in the search for a lasting solution to the crisis in Burundi.

The Committee welcomed the efforts of the transitional Government in the Central African Republic to implement the recommendations of the 2003 national dialogue [YUN 2003, p. 158], including the electoral timetable. It appealed to bilateral and multilateral donors to support the economic and financial needs of the country.

Noting the situation in the DRC, the Committee appealed to all political actors to abide by the provisions of the Global and All-Inclusive Agreement on the Transition of the DRC Government [YUN 2002, p. 125]. The international community was urged to support reconstruction, national reconciliation and election preparations.

The Committee noted with satisfaction the climate in which the legislative and municipal elections had been held in April in Equatorial Guinea (see p. 234) and condemned the attempts to overturn the democratically elected institutions by force. In view of the magnitude of the problems relating to mercenary activities, the Committee decided to include the issue in the agenda of its next meeting. It encouraged Equatorial Guinea and Cameroon to implement the decisions taken in the framework of the ad hoc joint commission on security questions between the two countries, which met in Malabo in June (see p. 234).

The Committee welcomed the efforts of all political actors in Sao Tome and Principe to find a consensus-based solution to the political crisis in the country, and encouraged the Government to continue efforts aimed at restructuring and training the country’s security forces. It welcomed the mission sent by ECCAS in March to that country.

Condemning the attempted coup in Chad on 16 May, the Committee expressed concern about the general situation on the border between Chad and the Sudan (see p. 239) and welcomed the mediation efforts led by President Idriss Déby...
of Chad to find a solution to the problems in the Darfur region.

The Committee called for further cooperation between ECCAS and the United Nations. In regard to its own future, the Committee decided on action for its revitalization and to enhance the effectiveness of its functioning, including the establishment by member States of follow-up and evaluation mechanisms and holding thematic meetings on major issues.

The Committee assisted ECCAS in establishing a mechanism for conflict prevention and management (the Council for Peace and Security in Central Africa (COPAX)), and appealed to the ECCAS secretariat to operationalize COPAX as soon as possible.

Democratic Republic of the Congo

In 2004, the Security Council worked towards building on the recent progress achieved in the peace process in the DRC as a result of the conclusion of the Global and All-Inclusive Agreement signed by the parties to the conflict in late 2002 [UN 2002, p. 125] and the establishment in 2003 of the Government of National Unity and Transition [UN 2005, p. 129], which provided for a two-year transitional Government to be followed by national elections. Those efforts were supported by the International Committee in Support of the Transition, comprising the five permanent Security Council members (China, France, Russian Federation, United Kingdom, United States), plus Belgium and Canada, four African countries (Angola, Gabon, South Africa, Zambia), the EU and the AU, which provided advice and guidance for the Congolese transition, and by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), headed by William Lacy Swing (United States), the Special Representative of the Secretary-General. MONUC’s mission, as set out in Council resolution 1403(2003) [ibid., p. 130], was to, among other things, provide assistance for the reform of the security forces, the re-establishment of a State based on the rule of law and the preparation and holding of elections throughout the country. In October, the Council, in resolution 1565 (2004), extended MONUC’s mandate until 31 March 2005 and restructured it to deploy and maintain a presence in the key areas of potential volatility to promote the re-establishment of confidence, discourage violence and allow UN personnel to operate freely, particularly in the eastern part of the country; ensure the protection of civilians, including humanitarian personnel; seize or collect the arms that were in violation of the arms embargo; assist the Congolese authorities in maintaining order; support the disarmament of foreign combatants; and assist in the promotion of human rights. The Council also increased its strength by 5,900 personnel, including up to 341 civilian police.

The Secretary-General, on 18 November [SG/ A/ 896-AFR/1067-BIO/3624], announced the appointment of Ross Mountain (New Zealand) as his Deputy Special Representative for the DRC, and Resident Coordinator and Humanitarian Coordinator for the DRC.

Political and military developments

Formation of national army

The Secretary-General, in his fifteenth report on MONUC [S/2004/25] (see p. 121), reported that initial steps had been taken towards restructuring the national army, to be known as the Forces armées de la République démocratique du Congo (FARDC). A draft law on defence and the armed forces, which was approved by the Council of Ministers in January, was being considered by the National Assembly. The transitional Government issued decrees establishing a Commission de contrôle des effectifs de l’armée, charged with overseeing the identification of elements belonging to hitherto different military organizations, and the État-Major technique d’intégration, which was to plan and undertake the operational aspects of integration. On 12 January, President Kabila swore in one military region commander and two deputies, replacing previous nominees who had not reported for duty. Through Belgian bilateral assistance, senior officers from all armed components participated in a seminar in Kinshasa in January to plan military integration.

The Security Council considered the situation in the DRC on 15 January and welcomed efforts currently under way to set up the first integrated and unified brigade in Kisangani, as a step towards the formation of a Congolese national army. By resolution 1522(2004) (below), it adjusted one of its prior demands so that the integrated brigade could operate in that city.

SECURITY COUNCIL ACTION (January)


The Security Council,

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

Encouraged by the progress achieved in the peace process in the Democratic Republic of the Congo since the conclusion of the Global and All-Inclusive Agree-

Considering that the reform of the security sector, including the disarmament, demobilization and reintegrations of former combatants, the effective restructuring and integration of the armed forces of the former Congolese belligerents and the establishment of an integrated national police, are key elements for the success of the transition process in the Democratic Republic of the Congo,

Reaffirming in this regard, that overall responsibility lies with the Government of National Unity and Transition, welcoming the establishment of an integrated High Command, and calling for effective cooperation at all levels of the Congolese armed forces,

1. Welcomes the efforts currently being undertaken to set up the first integrated and unified brigade in Kisangani as a step towards the elaboration and implementation of a comprehensive programme for the formation of a Congolese integrated national army;
2. Decides that, since the Government of National Unity and Transition has been established and is in place, its demand for the demilitarization of Kisangani and its surroundings laid down in paragraph 5 of resolution 1504(2000) of 16 June 2000 shall not apply to the restructured and integrated forces of the Democratic Republic of the Congo and to the armed forces included in the comprehensive programme for the formation of an integrated and restructured national army;
3. Urges the Government of National Unity and Transition to take the appropriate measures for the restructuring and integration of the armed forces of the Democratic Republic of the Congo in accordance with the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, including setting up a Supreme Defence Council and the elaboration of a national plan for disarmament, demobilization and reintegration, as well as the necessary legislative framework;
4. Calls upon the international community to provide further assistance for the integration and restructuring of the armed forces of the Democratic Republic of the Congo, in accordance with Security Council resolution 1493(2003) of 28 July 2003;
5. Decides to remain actively seized of the matter.

Meeting on security sector reform

On 9 February, the United Nations convened a meeting in New York between the DRC transitional Government and Member States concerned to review the status of security sector reform and to reach an understanding on the key issues to be addressed to meet the timetable for the transition, the Secretary-General reported [S/2004/251]. The meeting agreed that the Government should develop a national security policy, finance the establishment and maintenance of security entities, and ensure that DDR bodies co-ordinated their work under a common vision and strategy. A number of military reform issues were also agreed upon, including the review and adoption of the law on the general organization of defence and the armed forces; establishment of the conseil supérieur de la défense; adoption and implementation of a coherent military integration plan, complemented by a national DDR programme and production of plans for the deployment of integrated FARDC units. Agreement was also reached on the need to elaborate the future role of the police service by holding a national seminar on police issues, to adopt decrees appointing the national police high command, to establish the protection corps and to designate the command structure of the Integrated Police Unit.

The meeting also agreed to set up an advisory group on security sector reform.

Communication (March). Belgium, on 12 March [S/2004/201], in response to resolution 1522 (2004) (above) and the 9 February meeting on the DRC’s security sector reform (above), informed the Council President of its support to the DRC by providing training for an initial integrated brigade in peacekeeping operations. France was also participating in the training programme.

Follow-up to 2003 mission

The Secretary-General, in a 20 January report [S/2004/32], described progress on the implementation of recommendations made by the Security Council’s 2003 mission to Central Africa [YUN 2003, p. 127] (see also pp. 117 and 142). In regard to the DRC, those recommendations concerned the installation of the transitional Government and the creation of a unified national army, the situation in Bunia and in North Kivu, the need for regional countries to exert a positive influence on the situation, and efforts to end impunity and establish the rule of law. The Secretary-General updated the Council on action taken in 2003 to implement those recommendations. Regarding the establishment of the transitional institutions, he also reported that, on 7 January 2004, the transitional Parliament met in extraordinary session to tackle the backlog in the examination and adoption of key legislation.

Security Council consideration. On 11 February [S/2004/224], the Council was briefed by the Secretary-General’s Special Representative, William Lacy Swing. In a press statement of the same date [SC/8000.AFR/833], the Council President said that Council members were encouraged by the positive developments in the peace and national reconciliation process. They shared the concern of the International Committee in Support of the Transition with regard to the work still to be done leading up to national elections in 2005 and stressed the need for the disarmament, demobilization and reintegration of Congolese combat-
Political developments and MONUC activities

Report of Secretary-General (March). On 25 March [S/2004/251], the Secretary-General, in response to Security Council resolution 1493 (2003) [YUN 2003, p. 150], issued his fifteenth report on MONUC, covering developments since November 2003. He reported that eight months after the establishment of the transitional Government, despite initial progress in national reunification, the peace process was facing daunting challenges. The most crucial issue concerned the ability of the transitional leaders to act as a truly unified government and to overcome the atmosphere of distrust.

During the reporting period, the principal political institutions of the transitional Government continued to function and several steps were taken to implement the Global and All-Inclusive Agreement on the Transition. The ordinary session of Parliament concluded on 3 January, with many items remaining on its agenda. An extraordinary session opened on 7 January to address the legislative backlog, but only the laws establishing the Independent Electoral Commission, the High Media Authority, the Ethics and Anti-corruption Commission and the National Human Rights Observatory, and the law on political parties, had been adopted by the National Assembly. Although initial steps were taken towards restructuring and integrating the national army (see p. 128), lack of equipment and sustainment raised serious concerns regarding its future operational capacity.

Pending the development of a national DDR programme, MONUC was expected to assume functions, such as monitoring of disarmament and demobilization, including the registration and storage of arms; carrying out voluntary disarmament of individuals and small groups outside government centres; providing assistance in the destruction of arms; and monitoring human rights. As numerous Mayi-Mayi had requested to be disarmed and reintegrated into the national army, MONUC would assist the Government in emergency disarmament needs by undertaking voluntary disarmament as a security measure. It was also planning with the United Nations Development Programme (UNDP) ways to better utilize the rapid-response mechanism, a financial and operational tool for responding to contingencies in connection with DDR. Progress in the reform and restructuring of the Congolese national police was stymied by delays in the appointment of a unified police command. Training for the establishment of the Integrated Police Unit, with EU support, was expected to start in mid-June.

Considerable preparatory work was needed for the holding of elections by 30 June 2005, such as adopting laws to establish a viable Independent Electoral Commission, and laws on nationality, decentralization, amnesty and political parties, as well as the drafting of a new constitution that would be submitted to a referendum. Decisions were also needed on voter registration, demarcation of constituencies and the electoral system. The pace of normalization of relations with neighbouring countries slowed down, as the transitional Government had not followed up on the agreed-upon confidence-building measures with its neighbours, such as setting up a joint bilateral commission with Rwanda. Meetings of the joint security commission of the DRC and Uganda were postponed several times.

MONUC continued the eastward deployment of its military contingents. The MONUC brigade in Ituri consolidated its positions in Bunia and deployed to seven locations in the interior of the region. It was scheduled to deploy to two other areas by the end of March. Nevertheless, volatility in Ituri had increased, mainly as a result of restricted operating space for armed groups due to the extension of Ituri brigade operations, slow progress in the integration of the district into national structures, possible involvement of exter-

ants to be implemented and for a national coordinator to ensure a unified approach. Council members called on the international community to assist the Government, and took note of the progress made and the actions agreed upon at the 9 February meeting on security sector reform (see p. 120) as a basis for integrating and restructuring the military and police.

On 17 February [meeting 491], during the Council’s consideration of the Secretary-General’s 20 January report, the Assistant Secretary-General for Political Affairs, Mr. Kalomoh, said that the transitional Government’s comprehensive programme of work, having been approved by the new Parliament, was well under way. Progress was made in normalizing relations between the DRC and its neighbours, but much more could be done in that area. The pace of DDR and resettlement and/or repatriation of Rwandans, Ugandan and Burundian armed elements had accelerated beyond expectations. The International Committee in Support of the Transition had been meeting in Kinshasa on a regular basis, under the chairmanship of the Special Representative, and had been instrumental in resolving several deadlocks between and among the parties.

In Bunia, MONUC had been enforcing a weapons-free policy, and the first phase of the Mission’s military expansion outside Bunia was under way.

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nal actors and delays in launching a local disarmament and reintegration initiative. Those factors contributed to shifting alliances among the armed groups in the region, no longer necessarily along ethnic lines. Reflecting a new trend among militia hardliners to target MONUC, attacks on the Mission occurred on 16, 19 and 20 January. A MONUC military observer was killed on 12 February in an ambush of a convoy en route to Bunia. As a result, the Ituri brigade took additional preventive measures through patrols, augmented checkpoint control and cordon and search operations.

During the reporting period, there was limited progress in solidifying the political process in Ituri. On 20 January, the Ituri operational plan, prepared by the Government, UNDP, the United Nations Children’s Fund and MONUC, was formally adopted. It was to be implemented pending the adoption of the national DDR programme. However, the Ituri Interim Administration had not extended its reach much beyond Bunia, where armed groups were jockeying for power and remained a source of instability. The Secretary-General’s Special Representative urged President Kabila, at a 24 February meeting, to extend State authority to Ituri and proposed measures the transitional Government could take towards that end, including the appointment of a governor for Orientale province and a district commissioner for Ituri.

In late January, MONUC received reports of a massacre in the village of Gobu on Lake Albert. MONUC determined that most of the population had fled as a result of the massacre, which was led by an alliance of a Lendu militia and the branch of the Union des patriotes congolais (UPC) led by Thomas Lubanga (UPC-L).

In Bunia, as part of efforts to end impunity and restore the justice capacity, MONUC and its partners refurbished the Bunia prison, courthouse, police headquarters and accommodations for judges. MONUC trained 81 police officers on urban law enforcement and provided advisers to support local police in investigations, patrol duties and other functions.

In the Kivus, intermittent skirmishes were attributable to the accelerated pace of disarmament, demobilization, repatriation, resettlement or reintegration of Rwandan elements previously incorporated into Mayi-Mayi groups and the repatriation of some prominent Rwandan rebel leaders, which altered the balance of power among various local groups. MONUC reacted quickly to restore security, as well as to assist in DDR activities and humanitarian efforts. It was also developing a strategy for extending State authority to the Kivus, including the implementation of integrated security activities, community relations and economic recovery. It intended to form a 3,500-member brigade for deployment in the Kivus, with headquarters in Bukavu. In February, tensions mounted in Bukavu as a result of deep divisions within the transitional Government (see p. 124).

The pace of repatriation of Rwandan armed groups accelerated, rising from 2,900 people in November 2003 to 9,658 by 10 March 2004. MONUC began, for the first time, repatriations to Burundi and Uganda, with a total of 3,085 and 501 persons, respectively, as at 10 March.

Human rights abuses involved violations of the right to security and private property committed by armed elements, militia members, foreign armed groups and State law enforcement agencies, who were also responsible for killings, torture and inhuman and degrading treatment. Throughout the country, looting, armed robberies, extortions, illegal taxation, arbitrary arrest and illegal detention were the key means of subsistence for unpaid soldiers. MONUC investigated reports of serious human rights abuses against children, including killings and sexual abuse. It was also undertaking a study of the issue and was setting up mixed commissions in three locations to assist victims. MONUC also provided military protection for large-scale humanitarian deliveries in South Kivu and logistical assistance to humanitarian agencies and to Congolese authorities, and assisted humanitarian actors in addressing the problem of the return of some of the 3.4 million internally displaced persons in the DRC to their places of origin.

The Secretary-General, noting the delays in the transition process, identified a number of priorities that needed to be addressed to adhere to the time lines for the transition. Those included enacting the legislative framework for security sector reform, DDR, extension of State administration and elections and addressing problems such as Mayi-Mayi integration into the armed forces. MONUC was following up on the understandings reached at the 9 February meeting on security sector reform (see p. 120), and the Secretary-General indicated that he would propose additional recommendations on the support MONUC could provide for the integration and development of the national police. The Secretary-General called on the DRC to improve its relations with its neighbours in the search for sustainable peace in Central Africa, and urged Rwanda and Uganda to play a constructive role in that regard (see p. 126).

March incidents in Kinshasa. The EU, in a 30 March statement [3/2004/307], expressed concern at incidents that occurred during the night of 28
March in Kinshasa. The EU encouraged the Congolese leaders, the institutions of the transition and the Congolese people to remain calm and committed to the transition process.

The Security Council President, in a press statement of 31 March [SC/8047-AFR/878], following a briefing by the Under-Secretary-General for Peacekeeping Operations, said that Council members expressed concern over the serious incidents in Kinshasa on 28 March and called on all parties to ensure the transition was not jeopardized. They called on the Congolese leaders to make every effort to proceed with the full implementation of the Global and All-Inclusive Agreement on Transition and to take steps for the DDR of combatants, reform of the security sector, the full re-establishment of State authority and the successful organization of elections.

Communications (April). By a letter of 16 April [S/2004/332], Uganda announced that, as part of its efforts to promote good-neighbourly relations in the Great Lakes region, it had re-opened its embassy in Kinshasa, which had been closed since 1998.

The DRC, on 21 April [S/2004/318], transmitted the schedule of its election procedure, in accordance with the Global and All-Inclusive Agreement.

Events in eastern DRC

Cross-border tensions (April)

On 26 April [S/2004/327], the DRC expressed its gratitude to MONUC for having confirmed that soldiers of the regular Rwandan army were still present in the DRC in North and South Kivu, in violation of the agreements signed between the two countries [YUN 2003, p. 153]. The DRC protested the presence of those soldiers, who it said were helping to exacerbate tension at the border and might undermine the tenuous progress towards peace in the Great Lakes region. The DRC requested the Secretary-General to send a fact-finding commission to study the latest developments in the region, and reiterated its request for an urgent meeting of the Council on the situation in the DRC.

Rwanda, in a 29 April response [S/2004/335], rejected those allegations and called on MONUC to investigate the matter more thoroughly. Rwanda stated that there were no Rwandan troops in the Bunangana area in the DRC and urged MONUC to exercise more caution before labelling Kinyarwanda-speaking Congolese as nationals of Rwanda. At the same time, Rwanda expressed concern at the failure of the international community to address the presence of the Interahamwe, the militia responsible for the 1994 genocide [YUN 1994, p. 285], who were based in the DRC and were terrorizing people in western Rwanda and eastern DRC. In Rwanda's view, the Interahamwe militia was the principal source of insecurity and violence in the Great Lakes region. Rwanda also appealed to the Council to investigate the source of arms supplied to that militia.

On 10 May [S/2004/385], the EU expressed concern at reports of an attack led by the Democratic Liberation Forces of Rwanda (FDLR) on Rwandan territory and of an incident involving Rwandan troops inside DRC territory. The EU believed that MONUC should intervene to counter any attempt by FDLR to infiltrate Rwandan territory, with a view to establishing real stability in the DRC. It called on the DRC and Rwanda to hold direct consultations to improve relations and indicated its support for the establishment of a bilateral mechanism for monitoring the border area, backed by MONUC.

SECURITY COUNCIL ACTION (May)

On 14 May [meeting 4969], following consultations among Security Council members, the President made statement S/PRST/2004/15 on behalf of the Council:

The Security Council expresses its serious concern regarding recent reports of an incursion into the Democratic Republic of the Congo by elements of the Rwandan army.

The Council further expresses its concern at the reports of increased military activities of the Forces démocratiques de libération du Rwanda in the eastern part of the Democratic Republic of the Congo and of incursions made by them on the territory of Rwanda.

The Council condemns in this context any impediments to the freedom of movement of the United Nations Organization Mission in the Democratic Republic of the Congo and reaffirms its full support for the efforts of the Mission to stabilize the situation in the eastern part of the Democratic Republic of the Congo, and encourages the Mission to continue to report to it on the military situation in the eastern part of the Democratic Republic of the Congo, in accordance with its mandate.

The Council attaches great importance to respect for the national sovereignty and territorial integrity of the Democratic Republic of the Congo, of which it condemns any violation, as well as any violation of its relevant resolutions.

The Council also attaches great importance to respect for the national sovereignty and territorial integrity of Rwanda, and condemns any incursions of armed groups into that country.

The Council demands that the Government of Rwanda take measures to prevent the presence of any of its troops on the territory of the Democratic Republic of the Congo.

The Council calls upon the Governments of the Democratic Republic of the Congo and Rwanda to investigate jointly, with the assistance of the Mission,
the substance of recent reports on armed incursions across their mutual border.

The Council further calls upon both Governments to establish border security mechanisms to prevent the recurrence of such incidents.

The Council reaffirms its support for the commitments made by the Governments of the Democratic Republic of the Congo and Rwanda in Pretoria on 27 November 2003, and urges both Governments to implement expeditiously the provisions contained in the communiqué issued on that date.

The Council further underlines the fact that the disarmament and the demobilization of all armed groups, including in particular the ex-Forces armées rwandaises and Interahamwe combatants, are essential to the settlement of the conflict in the Democratic Republic of the Congo, and calls upon the Governments of Rwanda and the Democratic Republic of the Congo to take all necessary measures to facilitate the swift and voluntary repatriation of Rwandan combatants from the Democratic Republic of the Congo.

The Council encourages the Governments of the Democratic Republic of the Congo and Rwanda to continue to take steps to normalize their relations. It commends, in this context, the Government of the Democratic Republic of the Congo for the efforts that led to the arrest of Mr. Yusufu Muyakazi, indicted, inter alia, on charges of genocide, and his subsequent transfer to the International Tribunal for Rwanda, and it calls upon all Member States to intensify efforts to arrest and transfer suspects sought by the Tribunal.

The Council urges all Governments in the region to encourage the re-establishment of confidence between neighbouring countries, in accordance with the declaration of Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, adopted in New York by leaders of the region on 25 September 2003, with a view to achieving the normalization of their relations.

The Bukavu crisis

The Secretary-General reported in March [S/2004/293] that, despite the improvement of the overall situation in the Kivus, the mounting tension in Bukavu in February underscored the deep divisions within the transitional Government, particularly within the presidency, the integrated military high command and local political and military arrangements in Bukavu. Following the discovery of an arms cache at a residence of an associate of the former Governor from the east of the DRC. The transitional Government said that the mutiny would not affect the continuation of the process towards the normalization of their relations.

The Secretary-General reported in March [S/2004/293] that, despite the improvement of the overall situation in the Kivus, the mounting tension in Bukavu in February underscored the deep divisions within the transitional Government, particularly within the presidency, the integrated military high command and local political and military arrangements in Bukavu. Following the discovery of an arms cache at a residence of an associate of the former Governor Chiribanya, the confrontation on 3 February between elements loyal to the commander of the tenth military region, Brigadier General Prosper Nabyolwa, and those loyal to the Governor’s allies resulted in at least two persons being killed. The situation was defused by MONUC and some weapons were handed over to the Mission. On 7 February, the Council of Ministers suspended Governor Chiribanya and decided not to arrest him for the possession of arms. On 22 February, under General Nabyolwa’s order, the homes of two former RCD-G officers associated with the suspended Governor were raided, resulting in the arrest of an RCD-G military officer, Major Kasongo, who was subsequently transferred to Kinshasa. Major Kasongo had been convicted by the military court in absentia for his alleged role in the assassination of President Laurent-Désiré Kabila and sentenced to death. His transfer to Kinshasa heightened tensions within the leadership of the tenth military region. In reaction, RCD-G threatened to withdraw from the transitional institutions if Major Kasongo was not sent back to Bukavu. That, in turn, triggered statements from ministers close to the President and the Mayi-Mayi component of the transitional Government criticizing RCD-G and accusing it of “preparing a third rebellion” in the Kivus. Following an agreement between President Kabila and Vice-President Azarias Ruberwa, MONUC transported Major Kasongo back to Bukavu on 25 February, thus helping to stabilize the town. Meanwhile, hard-line elements fomented a campaign against MONUC, claiming that it had not acted impartially. The spread of hate propaganda against the Banyamulenge ethnic group was also observed. On 8 March, at the request of President Kabila, MONUC transported General Nabyolwa to Kinshasa for consultations.

Communications. On 1 June [S/2004/454], the DRC reported to the Council President that, since 26 May, soldiers under the command of Colonel Jules Mutebutsi, deputy commander of the military region around Bukavu, had committed acts of insubordination and had crossed the border into Rwanda. Colonel Mutebutsi had dispatched reinforcements to forcibly release one of his loyal soldiers arrested at the border. On 28 May, General Laurent Mihigo Nkunda dispatched five battalions from Goma to Bukavu to reinforce Colonel Mutebutsi’s troops, while troops stationed in the vicinity of the airport at Kavumu and on the outskirts of Bukavu. The DRC Foreign Minister led a high-level delegation to Rwanda to convince Rwandan President Paul Kagame not to become involved in a problem that was internal to the Congolese armed forces. Some 50 people, mostly civilians, had been killed and property looted and plundered. On 2 June, Bukavu had fallen to the mutineers, who were supported by a third column from the east of the DRC. The transitional Government said that the mutiny would not affect the continuation of the process towards
democratic elections and that the law would be applied against the perpetrators. It called for an urgent meeting of the Council to, among other things, impose sanctions if it turned out that the mutineers had benefited from outside assistance.

On 3 June [S/2004/452], Rwanda, expressing concern that the situation did not spill over into that country, and about statements by DRC President Joseph Kabila implicating Rwanda in the fighting in Bukavu, reiterated that there were no Rwandan troops in the DRC. It was of the view that the problem in Bukavu was an internal Congolese matter. It requested the Congolese forces involved in the events in Bukavu to support the DRC transition process, and called on the international community and the regional leaders to revive the verification mechanisms provided for under the 1999 Lusaka Ceasefire Agreement [YUN 1999, p. 87]. On the same date [S/2004/455], the DRC transmitted a communique issued at the extraordinary session of the Council of Ministers, held on 2 June, in which it condemned the violation of DRC’s territorial integrity and sovereignty by Rwanda and requested that the Council strongly condemn Rwanda for its aggression and take measures under the Charter to put it to an end. The DRC reiterated its request that the Council impose sanctions on Rwanda, which, it said, remained the sole obstacle to the overall peace process taking place in the Great Lakes region.

Rwanda, on 7 June [S/2004/459], said that it was concerned that the DRC Government intended to wage war on Rwanda. It reiterated that its forces were not involved in the fall of Bukavu and announced the closure of the border with the DRC on 6 June to allow those concerned to verify and arrest, or otherwise deal with members of Rwanda’s armed forces allegedly present on DRC territory until the United Nations and/or the AU clarified the events in Bukavu, and the eastern DRC in general. Rwanda also requested that the two bodies set up a verification mechanism to investigate and report on the allegations against Rwanda.

The AU Peace and Security Council (Addis Ababa, 4 June) [S/2004/458] released a statement condemning the 2 June occupation of Bukavu by dissident soldiers of the new Congolese national army. It took note of the mutineer’s announcement that they would withdraw from Bukavu and demanded that they transfer the administration of the province to the authorities designated by the Government. It urged the UN Security Council to increase MONUC’s size and resources to effectively support the DRC peace process, and requested AU members to provide troops for that force. The AU welcomed the decision of the Chairperson of its Commission to dispatch an Envoy to the DRC and Rwanda.

The EU also issued a statement on 4 June [S/2004/467] condemning the clashes in Bukavu and calling for an immediate end to hostilities and for the rebel forces to lay down their arms and leave Bukavu. It called on the DRC, Rwanda and Uganda to cooperate to reduce the tension in eastern DRC.

SECURITY COUNCIL ACTION (7 June)

On 7 June [meeting #4985], following consultations among Security Council members, the President made statement S/PRST/2004/19 on behalf of the Council:

The Security Council condemns with the utmost firmness the seizure of the town of Bukavu, on 2 June 2004, by dissident forces led by former Rassemblement congolais pour la démocratie-Goma commanders Major General Laurent Nkunda, Colonel Jules Mutebutsi and others. It also condemns atrocities and human rights violations which have occurred in this context. It declares its profound concern regarding reports of military actions that these forces have undertaken in other parts of the Democratic Republic of the Congo. It considers that all such actions constitute a serious threat to the peace process and to the transition and demands that they cease immediately.

The Council reaffirms its commitment to and respect for the national sovereignty, political independence, territorial integrity and unity of the Democratic Republic of the Congo. It expresses its solidarity with the Congolese people and its full support to the Government of National Unity and Transition. It calls for the prompt and peaceful extension of State authority throughout the Congolese territory, in particular in Bukavu.

The Council urges all parties represented in the Government of National Unity and Transition to remain fully committed to the peace process and to abstain from any action that could endanger the unity of the transitional Government.

The Council warns solemnly the States neighbouring the Democratic Republic of the Congo of the consequences of support to the armed rebel groups. It urges the Government of Rwanda, taking into account its previous relationship with the Rassemblement congolais pour la démocratie-Goma, and all other neighbouring States, to do all in their power to support the peace process and help to secure a peaceful resolution to this crisis, while at the same time refraining from any action or declaration that might impact negatively on the situation in the Democratic Republic of the Congo. It recalls the terms of its resolutions 1409(2003) of 28 July 2003 and 1535(2004) of 12 March 2004, especially those elements relating to regional security across the Great Lakes, and calls upon all Member States, in particular those in the region, to fulfill their responsibilities accordingly.

The Council welcomes the initiative of the Chairperson of the Commission of the African Union
aimed at overcoming the current crisis, including in its human dimension, and at facilitating the successful conclusion of the peace process in the Democratic Republic of the Congo.

The Council reiterates its full support to the United Nations Organization Mission in the Democratic Republic of the Congo. It condemns the recent killing of three of the Mission’s personnel. It calls upon all Congolese parties to support the work of the Mission and demands that they refrain from any hostile action against the personnel or facilities of the United Nations.

Communications (mid-June). Reacting to the Council statement (see above), Rwanda, on 10 June [S/2004/474], said that it was disturbed that the Council’s reaction was based on orchestrated disinformation. Rwanda intended to continue playing a regional role in search for regional peace and stability and urged the Council to demand that the DRC Government desist from its bellicose statements and hatred against Rwanda. It noted that the DRC was opposed to the proposed verification mechanisms under the Lusaka Ceasefire Agreement. On 22 June [S/2004/509], Rwanda said that, based on the information received from the Secretary-General’s Special Representative that the DRC was finally ready to establish the verification mechanism, it had, on 18 June, submitted to MONUC a draft agreement for the establishment of a permanent joint commission between the two countries to finalize the work of the Third Party Verification Mechanism, which was an indication of its efforts to ensure transparency. Rwanda also brought to the Council’s attention the fact that Colonel Mutebutsi, a DRC national, along with about 300 men, had fled to Rwanda where he was allowed to enter on humanitarian grounds but would not be permitted to engage in activities to undermine the DRC’s transitional Government and that country’s security.

On 10 June [S/2004/489], the DRC confirmed that its forces had peacefully regained control of Bukavu. In response to Rwanda’s communications (above), it repeated its accusation of renewed aggression by Rwanda in violation of the Charter and Council resolutions, and reaffirmed that it had no hidden agenda in Rwanda. The DRC requested that the Council ensure that Rwanda lifted the border closure to facilitate the return of Congolese nationals who had fled the Bukavu fighting, of former Colonel Mutebutsi and his men who found refuge in Rwanda and armed Rwandan elements remaining in the DRC.

SECURITY COUNCIL ACTION (22 June)

On 22 June [meeting 4994], following consultations among Security Council members, the President made statement S/PRST/2004/21 on behalf of the Council:

The Security Council reiterates its grave concern at the continued violence and instability in the eastern part of the Democratic Republic of the Congo and at reports of threats to the peace and transition process. It condemns in the strongest terms any involvement by outside forces in the Democratic Republic of the Congo.

The Council urges all Congolese parties to remain fully committed to the peace process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo and to respect the Government of National Unity and Transition to begin work immediately with the Mission to establish mechanisms for closer coordination, in order to expedite security sector reform, the adoption of essential legislation and electoral preparations.

The Council urges the Governments of the Democratic Republic of the Congo and Rwanda to respond without further delay to the efforts undertaken by the Mission under its current mandate to establish, as soon as possible, a joint verification mechanism for their common security, including verification of cross-border movements.

The Council strongly encourages the heads of State of the Democratic Republic of the Congo, Rwanda, Uganda and Burundi to work together to reduce tensions and restore confidence in the region, in accordance with the commitments made in the declaration on good-neighbourly relations of 25 September 2003 including by holding meetings at the earliest possible opportunity.

The Council urges Rwanda not to provide any practical or political support to armed groups in the Democratic Republic of the Congo, in particular those led by Mr. Laurent Nkunda or Mr. Jules Mutebutsi. It further urges Rwanda to use its influence positively to de-escalate the current crisis and support the restoration of stability.

The Council reminds Uganda not to interfere in the Democratic Republic of the Congo, including through military support for armed groups.

The Council calls upon Burundi to prevent any support from its territory to armed groups in the Democratic Republic of the Congo. It encourages the Transitional Government to facilitate humanitarian assistance for Congolese refugees now in Bu-
The draft [S/2004/605] was prepared in consultations among Council members.

The Council condemns the deaths of innocent civilians and human rights abuses in the eastern part of the Democratic Republic of the Congo and calls for such incidents to be fully investigated. Those responsible for atrocities and human rights abuses should be held to account, and the Government of National Unity and Transition should take immediate steps, with support from the international community, to reverse the current climate of impunity.

Uganda, on 23 June [S/2004/311], said that the part of the Council statement reminding Uganda not to interfere in the DRC suggested that Uganda was or might be contemplating interfering in DRC internal affairs, which was uncalled for. Uganda urged the Council President to correct the false impression. In a further communication of 28 June [S/2004/357], Uganda affirmed that it had no intention of getting involved in Congolese affairs. It rejected any attempt to reintroduce a military solution to the DRC crisis and declared that it would not provide sanctuary to Mr. Nkunda. Uganda called on the United Nations to support the democratization process that would lead to elections in the DRC.

Rwanda, in a response of the same date [S/2004/501], expressed its concerns arising from the Council statement (above). It felt that the Council was falling prey to the deliberate misrepresentation as a result of a disinformation campaign and, in turn, presented its own information to correct that situation. Rwanda reiterated its readiness to proceed with the proposed verification mechanism and urged MONUC to facilitate a meeting with DRC officials.

On 2 July [S/2004/554], Rwanda confirmed that its President, Paul Kagame, had met with DRC President Joseph Kabila on 24 June in Abuja, Nigeria, to recommit themselves to implementation of the 2002 Pretoria Agreement [YUN02, p. 115] on the withdrawal of Rwandan troops from DRC territory through the reactivation of the joint verification mechanism and by addressing other outstanding issues, especially the disarmament, demobilization, repatriation and rehabilitation of the ex-FAR/Interahamwe by the DRC. It also announced the reopening of the border, effective 3 July.

SECURITY COUNCIL ACTION (July)


The Security Council,


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

Reiterating its full support to the Government of National Unity and Transition of the Democratic Republic of the Congo,

Deeply concerned by the ongoing tensions and by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu, as well as in the Ituri district,

Reaffirming its readiness to support the peace and national reconciliation process, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo.

Welcoming the readiness of the Mission to take an active part in the joint verification mechanism whose creation was announced by the Presidents of the Democratic Republic of the Congo and of the Republic of Rwanda in Abuja on 25 June 2004,

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

1. Decides to extend the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo, as contained in resolutions 1493(2003) and 1533(2004), both adopted under Chapter VII of the Charter of the United Nations, until 1 October 2004;
2. Requests the Secretary-General to submit a report to the Council, before 16 August 2004, on the execution by the Mission of its mandate;
3. Decides to remain actively seized of the matter.

Further political developments

Report of Secretary-General (August). On 16 August [S/2004/650], the Secretary-General, in response to Security Council resolution 1555(2004) (above), submitted his third special report on MONUC, which covered political and military developments since his previous report in March (see p. 121). The preparations for elections, which would include a referendum on a new constitution and legislative elections, culminating in presidential elections in July 2005, posed a number of challenges, given the size of the DRC, its population of over 50 million and the absence of basic infrastructure. On 5 June, President Kabila promulgated the organic law on the establishment of the Independent Electoral Commission, which had since adopted a provisional timetable for electoral operations and had begun preparations for the registration of an estimated 28 million voters. While the law on the registration of voters was being prepared, work on the electoral
law could not begin until there was agreement on the type of political system and constitutional principles to be adopted. In June, the Senate drafted the general provisions of the new constitution and started consultations on such issues as the form of the State and its name, the political regime and territorial delimitation.

State administration remained weak or absent in many parts of the country, where parallel administrations run by armed groups maintained control. However, some progress was made in extending State authority, with the installation of governors and vice-governors in the 11 provinces.

The lack of progress on military integration was a significant destabilizing factor. With the exception of one integrated brigade that was trained by a Belgian team, military regional commanders had little control over the armed elements under their command. FARDC's poor command and control structure and the lack of support and payment of salaries contributed to indiscipline among the ranks, which depended on the local population for their sustenance. In view of the continuing delays in security sector reform, a meeting was convened on 29 June, as a follow-up to the 9 February meeting (see p. 120), to review progress and identify and coordinate follow-up to the 9 February meeting (see p. 120), to review progress and identify and coordinate bilateral efforts. The meeting agreed that MONUC would revive efforts to establish a consortium of Member States to assist the Congolese in the development of an overall plan for military reform. MONUC established a steering committee of potential donors, the first meeting of which was held on 13 July. The World Bank, in May, approved a $100 million grant to support the national DDR programme, the operational plans of which were being finalized. Pending its implementation, MONUC and UNDP assisted the Government in disarming some 535 Mayi-Mayi soldiers in eastern DRC.

Some progress was made in integrating the Congolese police forces, comprising some 70,000 personnel. The police high command was appointed, followed by the appointment in July of provincial police inspectors. MONUC and the Government drew up plans to train and deploy 6,000 police officers during 2004-2005. France trained and equipped a 500-member rapid intervention police unit.

The situation in Ituri remained tense, as rifts between moderates and hardliners emerged within the armed groups. In an effort to extend State authority, President Kabila consulted the leaders of armed groups from 10 to 14 May. The participants signed an acte d'engagement, committing themselves to the transition process and participation in the pilot disarmament and reinsertion programme. The new District Commissioner was appointed in June. The judicial tribunal in Bunia began to hear criminal cases and the local police began assuming their law enforcement responsibility. The MONUC Ituri brigade had so far deployed to eight locations.

Serious allegations of sexual exploitation and misconduct by MONUC civilian and military personnel in Bunia were uncovered by the Mission during May, including sexual exploitation of girls and women at the camp for internally displaced persons and other locations. Those allegations were under investigation by the UN Office of Internal Oversight Services (OIOS).

In addition to the crisis in Bukavu (see p. 124), on 11 June, about 40 presidential guards attempted a coup d'état, without success. On 14 July, eight RCD-Goma members of the National Assembly suspended their membership of the Assembly, but were condemned by the RCD-Goma leadership. FARDC increased its presence in eastern DRC by deploying some 15,000 troops. General Nkunda's fate remained unresolved as he and his troops remained located between Goma and Bukavu on Lake Kivu, creating a tense situation.

Bilateral relations suffered setbacks during the reporting period. In April, Rwanda claimed that elements of the ex-FAR/Interahamwe, also referred to as FDLR, attacked its territory from the DRC, while the latter claimed that Rwandans had invaded its territory (see p. 124). Steps were taken to strengthen bilateral contacts with Uganda, despite the continued presence of Ugandan armed groups in north-eastern DRC. The establishment in December 2003 of the DRC/Uganda Joint Bilateral Security Intelligence Commission with MONUC assistance had contributed to the strengthening of bilateral relations. Following a meeting in May, a joint MONUC/DRC/Uganda border verification mechanism was established.

The Secretary-General noted that, overall, the prevailing mistrust and lack of political determination continued to impede the transitional Government from moving forward on its agreed agenda. Some influential elements among the ex-belligerents were working against the transition, and the security situation remained unstable, as evidenced by the May/June activity in Bukavu and Kinshasa. A clear political strategy was therefore necessary, requiring a step-by-step approach. He urged the Government to engage in such a process, following the steps outlined in the report, and called on the DRC, Rwanda and Uganda to normalize their bilateral relations as a matter of priority.

The Secretary-General said that MONUC was authorized to use all necessary means to fulfil its
mandate in the Ituri district and in North and South Kivu. There was a wide gap between the expectations that the Mission would enforce peace and the Mission’s capacity to fulfil them. In the Secretary-General’s view, MONUC’s key role was to use its good offices to build confidence among the leaders of the transition and to strengthen the Government. Given the size of the DRC, MONUC could not be deployed everywhere, nor in sufficient strength. Hence strategic areas of operation had to be identified. If the Council were to mandate MONUC as a way of achieving stability in areas other than Ituri, the conditions under which the Mission would use force to deter dissident elements from using violence to derail the political process should be clearly defined.

The Secretary-General recommended that the transitional Government should ensure that support to ex-FAR/Interahamwe was terminated; MONUC should be augmented and fully deployed in the Kivus, participate in DDR and support FARDC; MONUC should prevent reprisal attacks by foreign elements against Congolese civilians; and support should be provided to the Joint Verification Mechanism. He cautioned, however, that MONUC could not assume responsibility for the maintenance of law and order in the DRC. Its primary role in deterring armed challenges was to use its political good offices to mediate disputes.

The military concept of MONUC’s operations would allow it to act as a deterrent in unstable areas, on the one hand, and as a rapid reaction force, on the other. It would have to maintain a credible and secure presence in key areas of potential volatility to undertake surge operations in crisis areas, in addition to its regular tasks, which would require flexible and mobile reserve capability of an additional 13,100 military personnel.

The Secretary-General called on the Security Council to endorse his transitional agenda to strengthen the political process and on the transitional Government to implement it. The Governments of the DRC, Rwanda and Uganda needed to ensure that the flow of arms across their borders ended; to settle the question of the foreign armed groups, in particular the ex-FAR/Interahamwe; and to legitimize the exploitation of natural resources. Those goals could be achieved through the Joint Verification Mechanism or by establishing normal bilateral relations, with the exchange of ambassadors. He recommended that the Council increase MONUC’s military strength from 10,800 all ranks to 23,900 and extend the mandate of its civilian police component and increase its strength from the current 40 to 507 personnel. The implementation of the Mission’s revised military tasks would require the addition of formed and enabling units, as well as improving its information-gathering and analysis capacity.

**Letter and statement of Secretary-General.**

On 3 September (S/2004/715), the Secretary-General, in a letter to the Council President, noted that Council members had recognized the need to enhance the UN involvement in the DRC’s peace process. However, the possibility of a further deterioration in the situation could not be ruled out, given the speed with which events were unfolding. Pending the Council’s decision on the recommendations contained in his report, he proposed that the Council deploy emergency reinforcements to MONUC, consisting of two additional infantry battalions and four attack helicopters, to address immediate security concerns, without prejudice to the long-term requirement of reinforcing MONUC.

The Secretary-General, in a statement to the press issued on 19 November [SG/SM/9605- AFR/1069-PKO/115], expressed outrage at the findings of a UN investigation into allegations of sexual exploitation and abuse in MONUC, which showed clear evidence that acts of gross misconduct had taken place. The investigation should be accelerated and those involved held accountable. Prince Zeid Ra’ad Al-Hussein (Jordan) had agreed to be his adviser on the issue. The Secretary-General declared that he was considering additional measures and had instructed the Department of Peacekeeping Operations (DPKO) urgently to send a special investigation team to the DRC to examine the outstanding cases.

**SECURITY COUNCIL ACTION (October)**

On 1 October [meeting 5048], the Security Council unanimously adopted resolution 1565(2004). The draft (S/2004/774) was prepared in consultations among Council members.

The Security Council,

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

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

Reaffirming its support for the process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002, welcoming the efforts made to date for its implementation by the Government of National Unity and Transition, and calling upon all the Congolese parties to honour their commitments in this regard, in particular so that free, fair and peaceful elections can take place within the agreed time frame,

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


Taking note of the third special report of the Secretary-General of 16 August 2004 on the United Nations Organization Mission in the Democratic Republic of the Congo, and of the recommendations contained therein,

Taking note also of the letter dated 3 September 2004 from the Secretary-General to the President of the Security Council,

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

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

1. Decides to extend the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo until 31 March 2005;

2. Requests the Secretary-General to arrange the rapid deployment of additional military capabilities for the Mission in accordance with the recommendation contained in his letter dated 3 September 2004, and, beyond, to deploy as soon as possible in the provinces of North and South Kivu all the brigades and appropriate force enablers;

3. Authorizes the increase in the Mission’s strength by 5,900 personnel, including up to 341 civilian police personnel, as well as the deployment of appropriate civilian personnel, appropriate and proportionate air mobility assets and other force enablers, and expresses its determination to keep the Mission’s strength and structure under regular review, taking into account the evolution of the situation on the ground;

4. Decides that the Mission will have the following mandate:

(a) To deploy and maintain a presence in the key areas of potential volatility in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring the use of force to threaten the political process, and to allow United Nations personnel to operate freely, particularly in the eastern part of the Democratic Republic of the Congo;

(b) To ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence;

(c) To ensure the protection of United Nations personnel, facilities, installations and equipment;

(d) To ensure the security and freedom of movement of its personnel;

(e) To establish the necessary operational links with the United Nations Operation in Burundi, and with the Governments of the Democratic Republic of the Congo and Burundi, in order to coordinate efforts towards monitoring and discouraging cross-border movements of combatants between the two countries;

(f) To monitor the implementation of the measures imposed by paragraph 29 of resolution 1533(2004) of 28 July 2005, including on the lakes, in cooperation with the Operation and, as appropriate, with the Governments concerned and with the Group of Experts referred to in paragraph 10 of resolution 1533(2004) of 12 March 2004, including by inspecting, as it deems it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

(g) To seize or collect, as appropriate, arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 20 of resolution 1499 (2003), and to dispose of such arms and related materiel as appropriate;

(h) To observe and report, in a timely manner, on the position of armed movements and groups and the presence of foreign military forces in the Congo, as well as any violations of human rights and of international humanitarian law are brought to justice, and to continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant United Nations agencies;
6. Authorizes the Mission to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraphs 4 (a) to (g) above, and in paragraphs 5 (a) to (c), (e) and (f) above;

7. Decides that the Mission will also have the mandate, within its capacity and without prejudice to carrying out tasks stipulated in paragraphs 4 and 5 above, to provide advice and assistance to the Transitional Government and authorities, in accordance with the commitments of the Global and All-Inclusive Agreement, including by supporting the three joint commissions outlined in paragraph 62 of the third special report of the Secretary-General, in order to contribute to their efforts, with a view to take forward:

(a) Essential legislation, including the future constitution;

(b) Security sector reform, including the integration of national defence and internal security forces to-port of the Secretary-General, in order to contribute to the implementation of the security sector reform, in accordance with the terms of reference for the Joint Verification Mechanism signed in New York on 22 September 2004, and in accordance with the terms of reference for the Joint Verification Mechanism signed in New York on 22 September 2004;

(c) The electoral process;

8. Requests the Secretary-General to report to the Council, within one month of the adoption of the present resolution, on reforms necessary to improve the structures of command and control and the management of military information within the Mission, and to rationalize the civilian and police components of the Mission;

9. Also requests the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

10. Further requests the Secretary-General to ensure that his Special Representatives for the Democratic Republic of the Congo and for Burundi coordinate the activities of the Mission and the Operation, in particular:

(a) By sharing military information at their disposal, especially concerning cross-border movements of armed elements and arms trafficking;

(b) By pooling their logistic and administrative resources, to an extent that does not prejudice the ability of the missions to carry out their respective mandates, in order to ensure their maximum efficiency and cost-effectiveness;

(c) By coordinating, as appropriate, the implementation of the national programmes for disarmament and demobilization and repatriation, reintegration and resettlement;

11. Stresses the need for the Government of National Unity and Transition to carry out the process provided for by the Global and All-Inclusive Agreement, and in particular to implement the recommendations listed in paragraph 54 of the third special report of the Secretary-General, with the support of the Mission, precise plans and time lines in each of the fields identified;

12. Calls upon the Government of National Unity and Transition to cooperate closely with the Mission in establishing three joint commissions on essential legislation, security sector reform and elections, and in implementing security sector reform, in accordance with paragraph 7 above;

13. Urges the Government of National Unity and Transition to continue, with determination and rapid-ity, the integration of the security forces, in particular the integration of the armed forces, and underlines the importance of regular meetings of the Supreme Defence Council and of its cooperation with the international partners of the Democratic Republic of the Congo, especially with the Mission, as positive signals of the commitment of the Government of National Unity and Transition in this regard;

14. Also urges the Government of National Unity and Transition to develop without further delay a plan for the disarmament of foreign combatants, and to entrust its implementation to the armed forces of the Democratic Republic of the Congo, with the support of the Mission;

15. Urges the Governments of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda to work together and with the Mission and the African Union, with a view to removing the threat posed by foreign armed groups, as they have agreed to in the Peace Agreement signed in Pretoria on 30 July 2002 and the Declaration signed in Pretoria on 27 November 2003, and in accordance with the terms of reference for the Joint Verification Mechanism signed in New York on 22 September 2004;

16. Urges, in particular, the Governments of the Democratic Republic of the Congo and Rwanda to work together and with the Mission and the African Union, with a view to removing the threat posed by foreign armed groups, as they have agreed to in the Peace Agreement signed in Pretoria on 30 July 2002 and the Declaration signed in Pretoria on 27 November 2003, and in accordance with the terms of reference for the Joint Verification Mechanism signed in New York on 22 September 2004;

17. Calls upon the Government of National Unity and Transition and Congolese officials at all levels to take all necessary steps, while respecting freedom of expression and of the press, to prevent the use of the media to incite hatred or tensions among communi ties;

18. Calls upon Member States, the international organizations concerned and the community of donors to provide their full support to the transitional process, the extension of State authority throughout the territory and long-term social and economic development in the Democratic Republic of the Congo, and encourages them in this regard to respond positively to the recommendations listed in paragraph 57 of the third special report of the Secretary-General;

19. Strongly condemns violence and other violations of international humanitarian law and human rights, in particular those perpetrated against civilians, in the Democratic Republic of the Congo, and demands that all parties and Governments concerned in the region, including the Government of National Unity and Transition, take without delay all necessary steps to bring to justice those responsible for these violations and to ensure respect for human rights and interna tional humanitarian law, as appropriate with relevant
international assistance, as well as to guarantee the security and well-being of the civilian population;

20. Demands that all parties cooperate fully with the operations of the Mission and that they ensure the safety of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, demands in particular that all parties provide full access to Mission military observers, including in all ports, airports, airfields, military bases and border crossings, and requests the Secretary-General to report without delay any failure to comply with these demands;

21. Recalls its resolution 1502(2003) of 26 August 2003, reaffirms the obligation of all parties to comply fully with the rules and principles of international humanitarian law applicable to them related to the protection of humanitarian and United Nations personnel, and urges all those concerned to allow immediate, full and unfettered access by humanitarian personnel to all people in need of assistance, as set forth in applicable international humanitarian law;

22. Also recalls the link between the illicit exploitation and trade of natural resources in certain regions and the fuelling of armed conflicts, and, in line with its resolutions 1493(2003), 1533(2004) and 1552(2004) of 27 July 2004, condemns categorically the illegal exploitation of the natural resources and other sources of wealth of the Democratic Republic of the Congo, urges all States, especially those in the region including the Democratic Republic of the Congo itself, to take appropriate steps in order to end these illegal activities, including if necessary through judicial means, and to report to the Council as appropriate, and exports the international financial institutions to assist the Government of National Unity and Transition in establishing efficient and transparent control of the exploitation of natural resources;

23. Welcomes the convening of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, with inclusive participation by all the Governments concerned, under the aegis of the African Union and the United Nations, with a view to strengthening stability in the region and working out conditions that will enable each State to enjoy the right to live in peace;

24. Encourages all Member States to increase international political engagement in the peace process in the region, as requested in paragraph 57 of the third special report of the Secretary-General;

25. Expresses grave concern at the allegations of sexual exploitation and misconduct by civilian and military personnel of the Mission, requests the Secretary-General to continue to fully investigate these allegations, to take the appropriate action in accordance with the Secretary-General’s bulletin on special measures for protection from sexual exploitation and sexual abuse and to keep the Council informed, further encourages the Mission to conduct training for personnel targeted to ensure full compliance with its code of conduct regarding sexual misconduct, and urges troop-contributing countries to take appropriate disciplinary and other action to ensure full accountability in cases of such misconduct involving their personnel;

26. Requests the Secretary-General to keep it informed regularly of developments in the situation in the Democratic Republic of the Congo, and to submit to the Council before 28 February 2005 a report on the execution of the Mission’s mandate, including an evaluation of the structure and strength of its military, civilian and police components, with a view to their adjustment according to the progress made on the ground and the tasks remaining to be accomplished;

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

28. Decides to remain actively seized of the matter.

Following the adoption of resolution 1565 (2004) (above), the Secretary-General said that the Council’s action, while improving the Mission’s operational capacities, fell well below the requested additional forces. Therefore, he had instructed DPKO to review the tasks that could be performed by MONUC, with a view to revising the scope of its military and civilian police concepts of operation. He hoped that the Council would accordingly revisit MONUC’s requirements in the future.

Rwanda, in a 4 October letter [S/2004/788], expressed disappointment that the Council had not mandated MONUC to forcefully disarm the ex-FAR/Interahamwe.

Security Council mission. The Security Council mission to Central Africa (21-25 November) (see p. 117) had as its key objective, during its visit to the DRC, to observe the achievements made in the peace and transition process since its last visit to the country in June 2003 [YUN 2003, p. 127]. It discussed the political transition process, the continuing insecurity and the need for good-neighbourly relations in eastern DRC, the situation in Bukavu and the roles of MONUC and the international community.

In its report [S/2004/954], the mission noted that the main transitional institutions had been established and were operational; an integrated high command had been set up for the armed forces and police service; the Governors and Vice-Governors of the provinces had been appointed; and some key laws, such as the nationality law, had been adopted. The mission had a strong impression of the Congolese people’s desire to hold elections and concluded that the parties should reach an understanding on the post-transitional period to ensure long-term stability. The mission, stressing the need to respect the deadline for completing the electoral process by the target date of June 2005, said that much work remained to be done in that regard, in particular the integration of the armed forces, the adoption of the constitution and election laws. President Kabila had reaffirmed his determination to hold elections within the agreed time frame.
The mission noted the restructuring challenges that MONUC was facing and underlined the importance of early, detailed planning for its role in supporting the election process.

The Security Council discussed the report on 8 December [meeting 5096].

Further cross-border tension (November)

The DRC, on 30 November [S/2004/935], informed the Council President that Rwandan regular troops had crossed the Congolese border to attack the town of Mutongo in North Kivu province and requested that the Council meet to condemn the aggression. In a 1 December statement [S/2004/940] of its Foreign Minister, the DRC accused Rwanda of using the fight against the ex-FAR/Interahamwe as an excuse to return to the DRC. The DRC was aware that it had to resolve the Interahamwe issue and was committed to doing so, but questioned Rwanda’s real objective in trying to disarm the ex-FAR/Interahamwe. It rejected Rwandan President Kagame’s proposals for neutralizing the ex-FAR/Interahamwe but was willing to accept assistance from African States and their partners, including MONUC, to settle, by force if necessary, the Interahamwe and ex-FAR issue.

On 2 December [SG/SM/963-AFR/1076], the Secretary-General, in a statement attributable to his Spokesman, said that he was disturbed by the increasing tension between the DRC and Rwanda, particularly by indications from Rwanda of military operations on DRC territory against ex-FAR/Interahamwe elements, which Rwanda maintained was a threat to its security. He called on Rwanda to refrain from military action in the DRC, which would disrupt the transition process, and on the DRC to intensify efforts to disarm and repatriate elements still in the DRC. He added that MONUC was prepared to activate the Joint Verification Mechanism for disarming and repatriating those groups.

Rwanda, in a 6 December communiqué [S/2004/951], expressed surprise that the DRC President had called on the Congolese people to mobilize to fight a Rwandan invasion on DRC territory, and reiterated that there were no Rwandan troops currently on DRC territory. Rwanda added that ex-FAR/Interahamwe elements were present and active in massive numbers there, and intended to launch an attack against Rwanda. Rwanda had fulfilled its obligations under all agreements it had signed with the DRC, while the DRC had not done so; specifically, it had not disarmed and demobilized those elements on its territory.

The AU Peace and Security Council, in a 7 December decision [S/2004/966], expressed concern about the continued presence of ex-FAR/Interahamwe in the DRC and its effect on the stability of the region. It called for a DRC-Rwanda summit, with the AU, the United Nations and other stakeholders, to defuse the tension and consider ways to address the disarmament and demobilization of the ex-FAR/Interahamwe. The AU Council appealed to the United Nations to strengthen MONUC so that it could participate in the disarmament and demobilization and called for the speedy establishment of the Joint Verification Mechanism.

SECURITY COUNCIL ACTION (December)

On 7 December [meeting 5095], following consultations among Security Council members, the President made statement S/PRST/2004/45 on behalf of the Council:

The Security Council expresses its very deep concern at multiple reports of military operations by the Rwandan army in the eastern part of the Democratic Republic of the Congo and at threats by the Government of Rwanda in this regard. It recalls its adherence to the respect for the sovereignty of all States, and underlines the fact that the threat or use of force against the territorial integrity of any State is contrary to the purposes and principles stated in the Charter of the United Nations.

The Council calls upon the Government of Rwanda withdraw without delay any forces it may have in the territory of the Democratic Republic of the Congo, and calls upon all States in the region to refrain from any action or statement that contravenes international law, undermines the already fragile stability in the region or the transitional process supported by the international community.

The Council notes that these reported events and threats are contrary to all peace agreements, declarations and protocols signed by regional States since the 1998 commencement of hostilities in the Democratic Republic of the Congo. It underlines the fact that these events and threats, arising after the International Conference on the Great Lakes Region, are contrary to the commitments taken by the regional Heads of State, in the Declaration adopted in Dar es Salaam on 20 November 2004, to settle their disputes in a peaceful manner, and are all the more unacceptable.

The Council calls upon all Governments in the region, to commit themselves to and make full use of multilateral mechanisms they have agreed to establish, including the Joint Verification Mechanism and the Tripartite Commission, for the peaceful resolution of their disputes. It further calls upon the Government of Rwanda, as well as all Governments in
the region, to devote their resources to the promotion of peace, stability, democracy and development.

The Council urges all Member States fully to comply with their obligations under resolution 1493 (2003), which imposed an arms embargo in the district of Ituri and the provinces of North and South Kivu.

The Council recognizes that continued tension in the eastern part of the Democratic Republic of the Congo underlines peace and security in the region, and in particular that the presence of ex-Forces armées rwandaises and Interahamwe elements in the eastern Democratic Republic of the Congo is a source of instability, a threat to civilian populations and an impediment to good neighbourly relations between the Democratic Republic of the Congo and Rwanda. It considers the armed presence and activities of ex-Forces armées rwandaises and Interahamwe elements in the eastern part of the Democratic Republic of the Congo to be unacceptable and demands that they disarm and disband without delay, with a view to their repatriation or resettlement.

In this regard, the Council welcomes steps taken to set up the plan established by the Congolese authorities, with the support of the United Nations Organization Mission in the Democratic Republic of the Congo, aimed at accelerating the disarmament and demobilization of foreign armed groups. It calls upon the Governments of Rwanda and the Democratic Republic of the Congo to explore ways to facilitate the voluntary repatriation of these combatants, based on the existing mechanisms. It urges the Congolese authorities to do everything possible to effectively disarm these armed groups as a matter of urgency, in the interest of stability in the Democratic Republic of the Congo, the security of Rwanda and Burundi, and the establishment of peace and stability in the region.

The Council further calls upon, in this regard, the Congolese authorities to accelerate the integration of the armed forces of the Democratic Republic of the Congo, and encourages the donor community to provide coordinated financial and technical assistance to this important task.

The Council condemns any attempt aimed at undermining the unity and territorial integrity of the Democratic Republic of the Congo.

The Council expresses its intention to consider further actions, including measures that may be taken against those individuals who, by their actions or statements, compromise the peace and transition process in the Democratic Republic of the Congo.

The DRC, on 20 December [S/2004/984], said that, in the light of Rwanda’s refusal to withdraw its troops in compliance with statement S/PRST/2004/45 (above), it was calling on the Council to take steps against Rwanda, including the imposition of a total embargo on arms sales to Rwanda (see p. 160), the suspension of bilateral and multilateral aid, the freezing of the assets and prohibition of the movement of Rwandan authorities.

Situation at end of year

Progress continued to be made in the transition to a new Government, but the security situation in eastern DRC remained volatile, the Secretary-General reported in December [S/2004/1034]. The May/June Bukavu crisis (see p. 124) and the Gatumba massacre in Burundi in August (see p. 150) had polarized the government components, leading RCD-G to temporarily suspend its participation in the transitional Government on 23 August. Subsequently, the Government prepared a new road map to ensure implementation of the Global and All-Inclusive Agreement; the road map was adopted by the Council of Ministers and was being reviewed monthly. However, progress remained slow. The Senate prepared a first draft of the constitution, which provided for a unitary State with considerable powers devolved to the provinces, although key issues, such as the electoral system and the balance of power between the President and the Prime Minister, remained to be clarified. The laws on nationality and the armed forces were promulgated on 12 November, while the amnesty, decentralization and electoral laws were under discussion in the Parliament. The voter registration law was adopted but had not been promulgated.

Among developments in regional relations, the DRC and Rwanda signed, on 22 September, the terms of reference for the Joint Verification Mechanism to address cross-border issues, including the remaining ex-FAR/Interahamwe in the DRC. The Mechanism was composed of the Joint Verification Commission, a policy-making and review body, and Joint Verification Teams comprising technical experts and representatives of MONUC and the AU. The first meeting of the Commission was held in Kigali, Rwanda, on 5 October. On 29 November, the parties endorsed the concept of operations for the Teams. Separately, on 20 October, the DRC, Rwanda and Uganda signed an agreement on regional security, with a view to strengthening trilateral relations and preventing the use of their territories by foreign combatants. The agreement also committed the parties to ensuring the DDR of foreign armed groups within 12 months and established a Tripartite Joint Commission. On 19 and 20 November, the leaders of 11 African States participated in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, which agreed on guiding principles in the areas of peace and security and good governance, among others (see p. 116).

In accordance with resolution 1565(2004), by which the Security Council mandated the establishment of joint commissions with a view to assisting the transitional Government in security...
sector reform, essential legislation and elections, the National Assembly and Senate agreed on the establishment of the Joint Commission on Essential Legislation, to be chaired by MONUC, which convened on 7 November a meeting of donors to discuss its terms of reference. The Commission would advise on the elaboration and implementation of key legislation, including the constitution and laws on nationality, voter registration, referendums, decentralization and elections. The Joint Commission on Security Sector Reform would coordinate and supplement assistance in support of integration and reform of the armed forces, provide technical advice and coordinate donor assistance for security sector reform.

The security situation in Ituri, which had improved earlier in the year, deteriorated sharply. In Katanga and Kasai, armed men from the Revolutionary Movement for the Liberation of Katanga captured the town of Kilwa on 13 and 14 October, resulting in the displacement of its population. FARDC regained control of the town on 15 October. In the Kivus, tensions increased between political and military factions, while security along the border with Rwanda deteriorated, with accusations and counter-accusations of border violations. On 29 November, the transitional Government officially complained to the Joint Verification Mechanism about the presence of thousands of Rwandan troops in the Kivus since January. However, security concerns forced the Verification Team to cancel its investigation. On 19 December, Rwanda’s Foreign Minister stated that his Government was withdrawing its “threat” to send troops into the DRC, noting that it would trust the international community to address the matter of the remaining ex-FAR/Interahamwe on Congolese territory.

In Ituri, the Government, with MONUC and UNDP assistance, began a disarmament and reintegration programme for an estimated 15,000 militia members. However, by mid-December, only 1,500 former combatants had registered for the programme. Overall, by the end of the year, more than 11,300 foreign combatants and their dependants had been repatriated from the DRC to Burundi, Rwanda and Uganda. Three FARDC brigades were deployed to South Kivu to conduct operations to disarm and repatriate FDLR.

MONUC and the UN Secretariat continued to follow up on allegations of sexual exploitation and abuse by MONUC personnel. Between June and September, an OIOS investigation into sexual misconduct in Bunia revealed that 8 of 72 allegations could be corroborated. All of the cases were being followed up to ensure that appropriate disciplinary action was taken, and a number of staff were suspended, pending completion of the investigations. The Secretary-General emphasized zero tolerance towards sexual exploitation and abuse and said that he would develop a comprehensive strategy to prevent and respond to such activities in all peacekeeping operations.

The Secretary-General concluded that the transitional process was steadily, albeit slowly, progressing towards elections, despite remaining challenges. He urged the parties to turn their attention to real power-sharing and overcoming the mistrust that continued to impede the establishment of a unified country. The Congolese parties needed to assure the population that elections would be conducted fairly and free from political violence. Although there had been some visible progress with regard to the extension of State authority, transparent and legitimate local governance had yet to take root in many areas because of the lack of infrastructure, the irregular payment of salaries of civil servants and the illegal exploitation of natural resources. The difficulties encountered in the reform of the security sector remained daunting, while relations with neighbouring States remained tense. The Secretary-General urged the DRC and Rwanda to cooperate to restore peace in eastern DRC, and called on Uganda to assist the DRC in extending its authority throughout Ituri.

**MONUC financing**

The General Assembly considered several reports by the Secretary-General concerning the financing of MONUC.

A performance report on the MONUC budget, covering 1 July 2002 to 30 June 2003 [A/58/701], stated that total expenditure amounted to $481.4 million, out of a total apportionment of $584.7 million. The difference of $102.9 million, a variance of 17.6 per cent, was primarily attributable to the delayed deployment of military and civilian personnel. The Secretary-General recommended that the Assembly decide on the treatment of the unencumbered balance and on the treatment of other income, amounting to $31,456,000, mostly derived from savings on or cancellation of prior-period obligations ($22,581,000) and from interest income ($6,474,000).

The MONUC budget for 1 July 2004 to 30 June 2005 [A/58/701] totalled $721.4 million, inclusive of voluntary contributions in kind valued at $3.1 million. It provided for the deployment of 10,040 military contingent personnel, 760 military observers, 182 civilian police, 972 international staff, 1,354 national staff and 490 United Nations Volunteers.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its April report [A/58/759/Add.10], recommended that the un-
encumbered balance for the earlier period, as well as other adjustments, be credited to Member States. In regard to the proposed 2004/05 budget, it recommended that the total requirement be reduced by $9.2 million and that the Assembly appropriate $709.1 million gross ($691.6 million net) for the maintenance of MONUC for the 12 months.

The Secretary-General, in an April note [A/58/772], reported that the appropriation for 1 July 2003 to 30 June 2004 for MONUC was projected to be fully utilized, primarily due to the full deployment of military contingents and resulting requirement for the reimbursement of troop-contributing Governments. The difference between the projected expenditures and the amount appropriated by the Assembly was $59 million gross ($37.1 million net). Therefore, he requested that the Assembly assess and apportion that amount among Member States. ACABQ, in a May report [A/58/794], endorsed that request.

GENERAL ASSEMBLY ACTION

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/58/583/Add.1], adopted resolution 58/259 B without vote [agenda item 138].

Financing of the United Nations Organization Mission in the Democratic Republic of the Congo

The General Assembly

Having considered the reports of the Secretary-General and his note on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 1258(1999) of 6 August 1999 and 1270(1999) of 30 November 1999 regarding, respectively, the deployment to the Congo region of military liaison personnel, and the establishment of the United Nations Organization Mission in the Democratic Republic of the Congo, and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 1493(2005) of 28 July 2003, by which the Council also authorized increasing the military strength of the Mission,

Recalling also its resolution 54/260 A of 7 April 2000 on the financing of the Mission, and its subsequent resolutions thereon, the latest of which was resolution 58/259 A of 23 December 2003,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 47/198(IV) of 27 June 1993, 3101(XXVIII) of 11 December 1973 and 55/255 of 23 December 2000,

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

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

1. Takes note of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 15 April 2004, including the contributions outstanding in the amount of $11.1 million United States dollars, representing some 6 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;

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 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 reports of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution, and requests the Secretary-General to ensure their full implementation;

9. Requests the Secretary-General to take all necessary measures in order to improve the distribution of food rations in the Mission;

10. Also requests the Secretary-General, in the context of the comprehensive review of the organizational structure of the Mission, to consider the posts required for the election process;

11. Authorizes the Secretary-General to employ, if necessary, 17 additional staff, up to a total of 34, in the Office of Public Information for the purposes of the election process, within the approved budget level for 2004-2005, and to report thereon in the context of the next performance report of the Mission;

12. Requests the Secretary-General to present in his next budget proposal workload indicators for the international staff in the Office of Public Information;

13. Also requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy, particularly with regard to air transport;

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

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

15. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2002 to 30 June 2003;

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

16. Decides to appropriate to the Special Account for the United Nations Organization Mission in the Democratic Republic of the Congo the amount of 746,072,500 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of 706,123,200 dollars for the maintenance of the Mission, 30,207,700 dollars for the support account for peacekeeping operations and 6,741,600 dollars for the United Nations Logistics Base;

Financing of the appropriation

17. Decides also to apportion among Member States the amount of 746,072,500 dollars at a monthly rate of 62,172,708 dollars, in accordance with the levels set out in General Assembly resolution 55/255, as adjusted by the Assembly in its resolution 55/256 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Mission;

18. 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 of the estimated staff assessment income approved for the Mission, the prorated share of 4,408,300 dollars of the estimated staff assessment income approved for the support account and the prorated share of 370,800 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

19. Decides that for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against their apportionment, as provided for in paragraph 17 above, their respective share in the Tax Equalization Fund of 22,311,400 dollars, comprising the estimated staff assessment income of 17,523,300 dollars approved for the Mission, the prorated share of 4,408,300 dollars of the estimated staff assessment income approved for the support account and the prorated share of 370,800 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

20. Decides also that for Member States that have not fulfilled their financial obligations to 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 133,437,500 dollars in respect of the financial period ended 30 June 2003, in accordance with the scheme set out in paragraph 19 above;

21. Decides further that the increase in the estimated assessment income of 393,400 dollars in respect of the financial period ended 30 June 2003 shall be added to the credits from the amount referred to in paragraphs 19 and 20 above and that the respective shares of Member States therein shall be applied in accordance with the provisions of those paragraphs, as appropriate;

Financing of the appropriation for the period from 1 July 2003 to 30 June 2004

22. Takes note of the note by the Secretary-General on the financing arrangements for the Mission for the period from 1 July 2003 to 30 June 2004;

23. Decides to apportion among Member States the amount of 59,038,300 dollars already appropriated for the maintenance of the Mission for the period from 1 July 2003 to 30 June 2004 under the terms of General Assembly resolution 58/259 A, in accordance with the levels set out in Assembly resolution 55/235, as adjusted by the Assembly in its resolutions 55/236 and 57/290 A and updated in its resolution 58/256, taking into account the scale of assessments for 2003, as set out in its resolutions 55/5 B and 57/4 B, and the scale of assessments for 2004, as set out in its resolution 58/1 B;

24. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 23 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 1,936,764 dollars approved for the Mission;

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

26. 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;

27. 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;

28. Decides to include in the provisional agenda of its fifty-ninth session the item entitled “Financing of the United Nations Organization Mission in the Democratic Republic of the Congo”.

On 23 December, the Assembly decided that the agenda item on the financing of MONUC would remain for consideration during its resumed fifty-ninth (2005) session (decision 59/552).

Arms embargo

In March, the Security Council, having considered the fourteenth report of the Secretary-General on MONUC [YUN 2003, p. 134], established a committee to review and monitor the arms embargo imposed by resolution 1493(2003) [ibid., p. 130] against armed groups operating in the DRC (see below).

SECURITY COUNCIL ACTION (March)

The draft [S/2004/192] was prepared in consultations among Council members.

The Security Council,

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

Reiterating its concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and in Ituri, which perpetuates a climate of insecurity in the whole region,

Condemning the continuing illicit flow of weapons into the Democratic Republic of the Congo, and declaring its determination to monitor closely compliance with the arms embargo imposed by its resolution 1493(2003) of 28 July 2003,

Underscoring the right of the Congolese people to control their own natural resources, recalling in this regard the statement made by its President on 19 November 2003, which emphasizes the connection, in the context of the continuing conflict, between the illegal exploitation of natural resources and trafficking in raw materials and arms, as highlighted in the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, and stressing for this purpose the need for all Member States to work to achieve an end to the illegal exploitation of natural resources,

Encouraging all States signatories to the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa of 15 March 2000 to implement quickly the measures required by the Coordinated Agenda for Action, as an important means of support of the measures imposed by paragraph 20 of resolution 1493(2003),

Taking note of the fourteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, of 17 November 2003, and of the recommendations contained therein,

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

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

1. Reaffirms the demand, laid down in paragraph 20 of resolution 1493(2003), that all States take the necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002;

2. Welcomes the recommendations contained in paragraph 72 of the fourteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo;

3. Requests the Mission to continue to use all means, within its capabilities, to carry out the tasks outlined in paragraph 19 of resolution 1493(2003), and in particular to inspect, without notice as it deems it necessary, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

4. Authorizes the Mission to seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 20 of resolution 1493(2003), and to dispose of such arms and related materiel as appropriate;

5. Reiterates its demand that all parties provide immediate, unconditional and unhindered access to Mission personnel, in accordance with paragraphs 15 and 19 of resolution 1493(2003), to enable them to carry out the tasks outlined in paragraphs 3 and 4 above;

6. Reiterates its condemnation of the continuing illegal exploitation of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, which contributes to the perpetuation of the conflict, and reaffirms the importance of bringing to an end these illegal activities, including by applying the necessary pressure on the armed groups, traffickers and all other actors involved;

7. Urges all States, and especially those in the region, to take the appropriate steps to end these illegal activities, including through judicial means where possible, and, if necessary, to report to the Council;

8. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all members of the Council ("the Committee"), to undertake the following tasks:

(a) To seek from all States, and particularly those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 20 of resolution 1493(2003) and to comply with paragraphs 18 and 24 of the same resolution, and thereafter to request from them whatever further information it may consider useful, including by providing States with an opportunity, at the request of the Committee, to send representatives to meet with the Committee for more in-depth discussion of relevant issues;

(b) To examine, and to take appropriate action on, information concerning alleged violations of the measures imposed by paragraph 20 of resolution 1493(2003) and information on alleged arms flows highlighted in the reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, identifying, where possible, individuals and legal entities reported to be engaged in such violations, as well as aircraft or other vehicles used;

(c) To present regular reports to the Council on its work, with its observations and recommendations, in particular on the ways to strengthen the effectiveness of the measures imposed by paragraph 20 of resolution 1493(2003);

(d) To consider the lists referred to in paragraph 10 (g) below with a view to submitting recommendations to the Council for possible future measures to be taken in this regard;

(e) To receive notifications in advance from States made under paragraph 21 of resolution 1493(2003) and to decide, if need be, upon any action to be taken;

9. Requests all States, in particular those in the region, to report to the Committee, within sixty days of the date of adoption of the present resolution, on the actions that they have taken to implement the measures.
imposed by paragraph 20 of resolution 1493(2003), and authorizes the Committee thereafter to request from Member States whatever further information it may consider necessary;

10. Requests the Secretary-General, in consultation with the Committee, to establish, within thirty days of the date of adoption of the present resolution, and for a period expiring on 28 July 2004, a group of experts consisting of no more than four members ("the Group of Experts"), having the necessary skills to perform the following mandate:

(a) To examine and analyse information gathered by the Mission in the context of its monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the Governments of those countries, on flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 20 of resolution 1493(2003);

(c) To consider and recommend, where appropriate, ways of improving the capabilities of interested States, in particular those of the region, to ensure that the measures imposed by paragraph 20 of resolution 1493(2003) are effectively implemented;

(d) To report to the Council in writing before 15 July 2004, through the Committee, on the implementation of the measures imposed by paragraph 20 of resolution 1493(2003), with recommendations in this regard;

(e) To keep the Committee frequently updated on its activities;

(f) To exchange with the Mission, as appropriate, information that might be of use in the fulfilment of its monitoring mandate as described in paragraphs 3 and 4 above;

(g) To provide the Committee, in its reports, with a list, with supporting evidence, of those found to have violated the measures imposed by paragraph 20 of resolution 1493(2003), and those found to have supported them in such activities, for possible future measures by the Council;

11. Requests the Special Representative of the Secretary-General for the Democratic Republic of the Congo to communicate, as appropriate, to the Security Council, through the Committee, information gathered by the Mission and, when possible, reviewed by the Group of Experts concerning supply of arms and related materiel to armed groups and militias and any possible presence of foreign military in the Democratic Republic of the Congo;

12. Urges all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee and with the Group of Experts and the Mission, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraph 20 of resolution 1493(2003);

13. Calls upon the international community, in particular the specialized international organizations concerned, to provide financial and technical assistance to the Government of the Democratic Republic of the Congo, with a view to helping it to exercise effective control over its borders and its airspace;

14. Decides to remain actively seized of the matter.

Council members elected the Chairman and vice-chairmen of the Security Council Committee established pursuant to resolution 1533 (2004), as announced by the Council President on 8 April [S/2004/280].


Appointment of Group of Experts. The Secretary-General, on 21 April [S/2004/317] and 24 August [S/2004/677], informed the Council of the names of the four experts he had appointed to serve on the Group of Experts, in accordance with paragraph 10 of resolution 1533(2004) (above). On 21 September [S/2004/750], he informed the Council of the replacement of one of those members who was unable to assume his functions.

Report of Group of Experts. The Group of Experts on the DRC released its report on 15 July [S/2004/501]. The report described the political and military situation leading to the imposition and monitoring of the arms embargo established by resolution 1493(2003) [YUN 2003, p. 130], examined the elements that contributed to border porosity and arms trafficking, issues related to air transport and trafficking, aiding and abetting, the involvement of foreign forces and military alliances with uncontrolled armed groups. The group noted that the transitional Government exerted little or no authority over extended parts of DRC’s eastern border, whose porosity, permeability and permissibility constituted the most critical factor undermining its ability and that of the international community to monitor the flow of weapons and other illicit commodities into the country. Moreover, local, regional and international capacities, controls and surveillance were weak or totally inadequate. There was therefore ample opportunity to traffic weapons into the DRC overland, facilitated by the informal trading across the border, as well as by way of inter-State lakes and by aircraft using the more than 450 known airports and airfields, many of them in remote areas but long enough to accommodate medium-weight aircraft.

The Group examined the case of Rwandan support for the mutinous forces of Jules Mutebutsi and Laurent Nkunda. It concluded that Rwanda’s violations involved direct and indirect support, in both the DRC and Rwanda, to those mutinous troops during their armed military operations against FARDC, allowing them to...
flee back into Rwanda where they regrouped and remained a latent threat to the DRC. Both Mr. Mutebutsi’s and Mr. Nkunda’s forces had looted areas of Bukavu, gaining $1 million to $3 million in cash for recruitment and for the payment and supply of troops. Prior to the outbreak of the Bukavu conflict, Rwandan officials also lent their support to General Nkunda on recruitment drives inside Rwanda. The Group of Experts confirmed reports that, from mid-May to June 2004, Rwandan troops had ordered the deforestation of the southern sector of the DRC’s Virunga National Park. Rwanda’s deployment to that area was in violation of the embargo. It also confirmed that Rwandan forces maintained positions in the Congolese border town of Bunagana and surroundings.

The Group noted that political and military alliances of convenience could be construed as violations of the arms embargo in giving direct or indirect support to groups not party to the Global and All-Inclusive Agreement or to an uncontrolled armed group operating out of Ituri and the Kivus, adding that the ambiguity of interpretation of the embargo needed to be clarified.

Among its recommendations, the Group called for Governments party to the Northern Corridor Transit Agreement to amend the Agreement to permit physical inspection of transit trade goods en route to areas under the exclusive domain of uncontrolled armed groups and other embargoed parties. To prevent all forms of assistance reaching the Ituri armed groups, it urged control of all inter-State trade with such groups, as well as commercial flights, until MONUC was able to deploy to those territories or the State extended its authority there.

Aware of Uganda’s security concerns, the Group suggested that Uganda provide adequate protection so that it could deploy immigration and customs agents to its border areas with the DRC and strengthen its capacity to patrol Lake Albert and Lake Edward. Procedures at border crossings with areas controlled by Ituri armed groups should be enhanced by the presence of more accredited agents, tighter procedures on the declaration of goods to and from the DRC, improved inspection of goods entering areas controlled by Ituri armed groups and systematic registration of individuals exiting and entering Uganda.

In regard to Rwanda, the Group recommended the restoration of civilian oversight and monitoring of activities along its borders with the DRC, and the restriction of immigration, safe residence and freedom of movement of dissident or mutinous forces and other individuals allied with such forces except for international peace negotiations. The Group urged the Joint Verification Mechanism, as agreed by the 24 June summit in Abuja between Rwanda and the DRC (see p. 127), to begin its work. The Group said that the extension of the transitional authority throughout the DRC remained a prerequisite, which should be followed by unified governmental control of the borders in order to stem the flow of arms and other illicit commodities into the country. The control of movements in the air and on the ground should be improved by establishing an independent air-traffic services unit.

Pointing to the need to respect the civilian nature of refugee camps, in particular by abstaining from voluntary and forced recruitment within them, the Group called on Rwanda to prohibit recruitment drives and to expel Congolese who had conducted them. The disarmament, demobilization, repatriation, reintegration and resettlement mechanism would benefit from a donor-funded external verification mission to follow up on the status of demobilized soldiers after their return to Rwanda. Such a mission could ensure that demobilized soldiers were not being recruited to fight in the DRC. The Group also recommended that Mutebutsi’s troops fleeing across the border be disarmed and cantoned and that the DRC and Rwanda reach an agreement on the fate of Mutebutsi and his troops.

Improvement of MONUC’s monitoring and interdiction capacity could be achieved with appropriate lake patrol and air-surveillance capabilities, and more troops to monitor airports, areas under the control of the Ituri armed groups, Idjwi Island and other flashpoints along the DRC-Rwanda border.

The Group of Experts recommended the renewal of the arms embargo in the DRC for the period covering MONUC’s next mandate. It added that monitoring of the embargo was essential to enhance its effectiveness.

Communications. The DRC, in a 21 July letter [S/2004/586], welcomed the Group’s report which, it said, confirmed the DRC’s views on the continued presence of the Rwandan Defence Forces on its territory, with the concealed motive of exploiting the natural resources in the DRC. It supported the recommendations and called on the Council to impose further sanctions targeted at the Rwandan leaders, including a travel ban, the freezing of their bank assets and an arms embargo.

In its reaction to the report, also of 21 July [S/2004/587], Rwanda refuted many of the statements contained therein. It said that the most serious threat to the region was the presence of the ex-FAR/Interahamwe, whereas the report fo-
cused on Mutebutsi and his men. The United Nations, Rwanda said, should work with regional States to strengthen their capacity in border control and customs procedures and operations. The Experts should have focused on those needs. On 26 July [S/2004/503], Rwanda expanded on its comments, stating that the Group of Experts had completely ignored or trivialized the information that Rwanda had provided, including responses to specific questions. Rwanda stated that the report therefore lacked credibility.

On 23 July [S/2004/591] and 27 July [S/2004/607], Uganda submitted its comments and observations on the report, particularly references to Uganda, which it denied, and factual errors, which, it said, were intended to portray Uganda in a bad light. Solutions to Congolese problems required strengthening regional cooperation and governmental structures, rather than inquiries by expert groups, it added.

SECURITY COUNCIL ACTION (July)


The Security Council,


Reiterating its concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district, which perpetuates a climate of insecurity in the whole region,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and declaring its determination to monitor closely compliance with the arms embargo imposed by its resolution 1408(2003),

Taking note of the report and the recommendations, of 9 July 2004, of the Group of Experts referred to in paragraph 10 of resolution 1533(2004), transmitted by the Security Council Committee established in accordance with paragraph 8 of the same resolution (hereinafter “the Committee”),

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

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

1. Reaffirms the demands set out in paragraphs 15, 18 and 19 of resolution 1493(2003);

2. Decides, in the light of the failure of the parties to comply with those demands, to renew, until 31 July 2005, the provisions of paragraphs 20 to 22 of resolution 1493(2003) and all the provisions of resolution 1533(2004);

3. Expresses its intention to modify or to remove those provisions if it determines that the demands noted above have been satisfied;

4. Decides that it will review those measures by 1 October 2004, and periodically thereafter;

5. Requests, to this end, the Secretary-General, in consultation with the Committee, to re-establish, within thirty days of the date of adoption of the present resolution, and for a period expiring on 31 January 2005, the Group of Experts referred to in paragraph 10 of resolution 1533(2004);

6. Requests the Group of Experts to report to the Council in writing before 15 December 2004, through the Committee, on the implementation of the measures imposed by paragraph 20 of resolution 1493(2003), with recommendations in this regard, in particular regarding the lists provided for by paragraph 10(g) of resolution 1533(2004);

7. Decides to remain actively seized of the matter.

Burundi

In 2004, the United Nations, through the United Nations Office in Burundi (UNOB), headed by the Special Representative of the Secretary-General for Burundi, continued to assist the parties (Jean Bosco Ndayikengurukiye’s faction of the Conseil national pour la défense dela démocratie–Forces pour la défense de la démocratique (CNDD-FDD), Alain Mugabarabona’s faction of the Parti pour la libération du peuple hutu–Forces nationales de libération (PALIPEHUTU–FNL), Pierre Nkurunziza’s faction of the CNDD-FDD and Agathon Rwasa’s Forces nationales de libération (FNL (Rwasa), also known as Palipehutu-FNL) in the implementation of the 2000 Arusha Agreement on Peace and Reconciliation [YUN 2000, p.146], particularly its transition to full democratic governance. The Implementation Monitoring Committee, charged with supervising the implementation of the Agreement, met under the chairmanship of the United Nations. The Committee’s subsidiary organ, the Joint Ceasefire Commission, established in 2003, coordinated and resolved military issues related to the implementation of the ceasefire agreements between and among the parties. The United Nations worked closely with the Great Lakes Regional Peace Initiative under the chairmanship of Uganda; the Facilitation, a regional peace initiative under the direction of South Africa’s Deputy President, Jacob Zuma, and the Transitional Government, established in 2001 for a three-year period.

The security aspects were covered by the AU African Mission in Burundi (AMIB), established in 2003 to provide security for the cantonment of combatants and assist in the demobilization, disarmament and reintegrations of armed groups. In May 2004, the Security Council established the
Political and security questions

United Nations Operation in Burundi (ONUB), incorporating UNOB and AMIB, with a mandate to monitor ceasefire agreements, promote confidence between the Burundian forces through disarmament and demobilization measures, monitor the illegal flow of arms and the quartering of Burundi armed forces, assist the transitional Government in establishing safe conditions for providing humanitarian assistance, contribute to the electoral process, and protect civilians under threat and UN personnel and property. The Council extended ONUB’s mandate until 1 June 2005.

Political and military developments

Follow-up to recommendations of 2003 mission

Forum of Burundi’s Development Partners. Burundi forwarded to the Security Council President the final communiqué of the Forum of Burundi’s Development Partners (Brussels, Belgium, 13-14 January) [S/2004/49].

Burundi’s international partners pledged a total of 810 million euros ($1,032 million) to cover the priority programmes for the second phase of its transition, covering economic recovery, capacity-building for good governance, repatriation of refugees and rehabilitation of survivors, and the establishment of a new defence and security force. In its transmittal letter, Burundi requested the Council to ensure that the amounts pledged were disbursed and expressed its hope that the Council would strengthen the peace process by taking over the responsibilities of AMIB through a UN peacekeeping operation and provide assistance in combating impunity.

Netherlands ceasefire talks. Burundi also transmitted to the Council President the communiqué issued at the end of talks (Oisterwijk, Netherlands, 18-21 January) [S/2004/62] between President Domitien Ndayizeye and Ibrahim Ntakirutimana and his PALIPEHUTU-FNL delegation. The parties agreed on the establishment of an international commission of inquiry into the death of the Apostolic Nuncio, Archbishop Michael Courtney [S/2004/46]; ending the violence to create a climate of trust and an end to the clashes between PALIPEHUTU-FNL and CNDD-FDD; and to meet without delay to discuss matters related to the Burundi peace process. The Netherlands declared its readiness to assist the parties in pursuing the discussions and following up on the agreements reached.

Statement by Council President. In a 23 January statement [SC/7988-APR/87], the Council President said that the Council welcomed the discussions and the role played by the Dutch Gov-
ation process, was stalled in Parliament due to disagreement between the two major political groupings comprising the transitional institutions. The Field Office of the High Commissioner for Human Rights continued to monitor the human rights situation and to strengthen the judiciary.

UNOB provided support, both diplomatic and financial, to facilitate the regional peace initiative. Its efforts contributed to the comprehensive ceasefire agreement of 16 November 2003, signed by the Transitional Government and CNDD-FDD (Nkurunziza) [YUN 2003, p. 151]. That permitted CNDD-FDD (Nkurunziza) representatives to return to Bujumbura and participate in the transitional institutions. In his new year address, President Ndayizeye called on stakeholders to accelerate implementation, and CNDD-FDD (Nkurunziza) responded by announcing that it would have its combatants gathered in the assembly areas by 10 January 2004. On 6 January, the President signed a decree appointing 33 members of the joint military high command, 20 from the army and 13 from FDD (Nkurunziza).

Security Council consideration. At the Security Council’s 17 February meeting [meeting 491] to discuss the Secretary-General’s report, the Assistant Secretary-General for Political Affairs, Tuliameni Kalomoh, said that significant progress had been achieved towards implementation of the Council’s mission’s recommendations. The January meeting between President Ndayizeye and a high-level FNL (Rwasa) delegation in Oisterwijk (see p. 142) provided further grounds for optimism.

Many challenges lay ahead, as the transitional period was expected to end in November with elections. In that regard, a UN multidisciplinary reconnaissance mission was due to arrive in Bujumbura on 17 February to examine the situation on the ground and assess support for the Transitional Government.

Burundi told the Council that all that remained was to canton the CNDD-FDD combatants and to begin disarmament, demobilization and reintegration operations. The other movements were in the process of gathering their combatants, most of whom were returning to the DRC with MONUC’s help. Only PAILPEHUTU-FNL remained outside the peace process, but it had met with the Transitional Government. Burundi urged the Council to send a peacekeeping mission to the country, a step it described as vital to the success of the Burundi peace process and which could help stabilize the Great Lakes region. Burundi welcomed the Council’s request that the Secretary-General send a fact-finding mission to the country with a view to establishing an international judicial commission of inquiry. It was also pleased with the role played by the Economic and Social Council’s Ad Hoc Advisory Group on Burundi (see p. 912).

Multidisciplinary assessment mission

Report of Secretary-General (March). The Secretary-General, in response to presidential statement S/PRST/2003/30 [YUN 2003, p. 153], submitted on 16 March [S/2004/201] a report which contained the findings of his multidisciplinary assessment mission to Burundi (16-27 February) to examine UN support to the implementation of the Arusha Agreement. The mission observed the political, military, security, humanitarian and economic situations, as well as human rights and the status of implementation of the Agreement.

Reporting on the political situation, the mission observed that significant progress had been made towards ending hostilities. Most of the armed political parties and movements had joined the peace process, with the exception of FNL (Rwasa), which continued to reject the Arusha Agreement on the grounds that it was a power-sharing deal between political elites and did not address the plight of the disenfranchised, nor brought them into the process. Although it held meetings in January in the Netherlands with the Transitional Government (see p. 142), the group cancelled further meetings, citing ongoing hostilities. In the meantime, the deadline for joining the process imposed on FNL (Rwasa) by the Regional Peace Initiative in November 2003 [YUN 2003, p. 151] expired on 16 February. Fighting between FNL (Rwasa) and joint Burundian Armed Forces (FAB)/CNDD-FDD (Nkurunziza) elements continued, resulting in the Government refusing to end military action until FNL (Rwasa) agreed to negotiate with it, and the latter refusing to do so as long as the Government was waging military action against it. Meanwhile, members of the international community were attempting to bring FNL (Rwasa) into the process. Despite those difficulties, the mission found that progress had been made in achieving an all-inclusive peace process since the inauguration of the transitional Government in 2001 and that both sides seemed ready to open discussions if the right framework could be found.

The ceasefire was generally holding and major military operations had ceased throughout most of the country despite continuing operations against FNL (Rwasa), which harassed the capital from neighbouring Bujumbura Rurale. The security situation had also improved and calm had been restored to most provinces. However, ongoing hostilities between FAB/CNDD-FDD (Nkurunziza) in Bujumbura Rurale continued to
seriously affect security in those areas, forcing the capital to remain under curfew. Criminality had increased, aided by the large number of weapons in circulation and the Government’s inability to control the situation.

The civil conflict in Burundi had led to massive refugee flows, much internal displacement and the disruption of daily life over the decade of conflict. Currently, there were 320,000 Burundians living in camps in the United Republic of Tanzania, and an estimated 281,000 internally displaced persons at 230 sites. Reports indicated that large numbers of internally displaced persons had begun returning to their original locations in recent months, but their return, as well as that of refugees, constituted a major humanitarian challenge in the coming months. The re-establishment of sustainable livelihoods would, however, require a shift in emphasis by the international community from humanitarian assistance and emergency interventions to recovery programming.

The human rights situation in Burundi had not improved much in recent months. Summary executions of civilians had decreased, but torture and illegal and arbitrary detention persisted. The civilian population, especially the elderly, women and children, were the primary victims of the acts of violence, which were committed with impunity. Incidents of rape were on the rise and individuals accused of witchcraft were killed by mobs. The incapacity of the judicial system to act in a timely and impartial manner remained a matter of grave concern. The Office of the United Nations High Commissioner for Human Rights (OHCHR) maintained its office in Burundi in a timely and impartial manner remained a matter of grave concern. The Office of the United Nations High Commissioner for Human Rights (OHCHR) maintained its office in Burundi for monitoring, investigating and promoting human rights, with a reduced staff of three, down from 23 in 1999.

Implementation of the Arusha Agreement had accelerated since the integration of the armed groups into the Transitional Government, and the working relationship between the parties had been more cooperative in recent months. Further progress was needed in security sector reform, judicial reform, adoption of legal instruments and the organization of elections, in view of the end of the transitional period set for 31 October. While the United Nations was following up on Burundi’s request for an assessment mission (see p. 142) to advise on the establishment of an international judicial commission of inquiry, with the exception of the law on genocide, very few of the other measures called for in the Arusha Agreement had been implemented.

To facilitate the integration process, the Government had established a National Commission for Demobilization, Reinsertion and Reintegration and an Executive Secretariat. In February, the Commission completed the preparation of a national demobilization, reinsertion and reintegration programme costing $84.4 million, to be financed through the World Bank.

With less than eight months left in the transitional period, the organization of credible elections represented one of the greatest political and practical challenges ahead. The Transitional Government anticipated holding coline elections in July, commune elections in August and parliamentary and presidential elections in October. However, the legal framework for elections had not yet been adopted. Proposals had been drawn up for the post-transition constitution, the electoral code, the law on political parties and the law on the reorganization of communal administration. Legislation on elections was needed to continue the planning, and a civic education campaign and registration of voters would be required. Another obstacle was the cantonment of armed forces, which had stalled, thereby preventing those groups from registering as political parties.

UNOB, headed by the Special Representative of the Secretary-General, Berhanu Dinka, continued to work with the Regional Initiative on Burundi, under the chairmanship of Uganda, in moving the peace process forward, and with the Facilitation, under the leadership of the Deputy President of South Africa, Jacob Zuma, in its work to bring about a comprehensive ceasefire. The Implementation Monitoring Committee, mandated by the Arusha Agreement to monitor, supervise and ensure implementation of the Agreement, under the chairmanship of the United Nations, held its seventeenth session from 10 to 13 February, at which it continued to press for a post-transition constitution and the electoral law. JCC, a subsidiary body of the Committee, worked on military issues relating to the ceasefire agreements. In January, the Commission approved the site for the two demobilization centres and 11 pre-disarmament assembly areas. AMIB, the AU peacekeeping mission, with a strength of 2,523 troops and 43 military observers as at February, served to stabilize the situation in Burundi and gave confidence to the armed groups to begin the assembly and cantonment process; however, it suffered from a lack of funds and logistic support, preventing it from fully implementing its mandate.

The Secretary-General also made recommendations for reinforcing the UN role in Burundi (see p. 145).

Establishment of ONUB

Report of Secretary-General. The Secretary-General, in his March report on Burundi
The Secretary-General said that a Council decision was needed soon, in view of the expiration of the AMIB mandate on 2 April and the planned elections. The force should remain in place after the elections and its mandate should be reviewed within the following six months. As a first priority, the Secretary-General called on the Government and FNL (Rwasa) to immediately cease hostilities and enter into dialogue with a view to becoming part of the peace process.

The Secretary-General informed the Council that the financial implications of deploying ONUB would amount to some $418 million for a 12-month period [S/2004/275], and of his intention to immediately begin planning and preparations for the Mission [S/2004/274]. On 1 April [S/2004/275], the Council, without prejudice to any decision it might take on establishing such an operation, approved his proposal.

The AU Peace and Security Council, at its second session (Addis Ababa, 25 March) [S/2004/261], adopted a communiqué on Burundi in which it urged the UN Security Council to authorize the early deployment of a UN peacekeeping mission as the Secretary-General had recommended. In the meantime, it decided to renew the AMIB mandate for one month, until 2 May, on the understanding that the Council would deploy a peacekeeping mission in Burundi before the end of the new mandate. The AU appealed to PALIPEHUTU-FNL (Rwasa) to work towards a ceasefire agreement with the Transitional Government and to join the peace process.

Burundi, on 21 April [S/2004/36], expressed concerns about the preparations for the deployment of the peacekeeping mission in Burundi and hoped that they would be reflected in the draft resolution that was being prepared, especially regarding the task of the mission to create favourable conditions for the investigative work of the International Judicial Commission of Inquiry and the National Truth and Reconciliation Commission, which were important for the peace process. Noting that armed groups had crossed into Burundi from both the DRC and the United Republic of Tanzania, Burundi stated that the future peacekeeping mission should not include any nationals from its immediate neighbours. Burundi expected the Council to accept the Secretary-General’s proposals concerning ONUB.

SECURITY COUNCIL ACTION (May)

The Security Council,

Recalling its resolutions as well as the statements by its President on Burundi, in particular its resolution 1375(2001) of 29 October 2001 and the statements by its President of 18 December 2002 and 22 December 2003,

Reaffirming its strong commitment to the respect of the sovereignty, independence, territorial integrity and unity of Burundi, and recalling the importance of the principles of good-neighbourliness and non-interference, and of regional cooperation,

Reaffirming its full support for the process of the Arusha Peace and Reconciliation Agreement for Burundi, signed at Arusha, United Republic of Tanzania, on 28 August 2000 (hereinafter “the Arusha Agreement”), calling upon all the Burundian parties to honour fully their commitments, and assuring them of its determination to support their efforts to that end,

Encouraging in particular the transitional institutions of Burundi to enact without delay the laws and regulations required for the organization of the electoral process under the Arusha Agreement, so that this process can take place before the expiration of the transitional period on 31 October 2004,

Taking note with satisfaction of the ceasefire agreement signed on 7 October 2002 by the Transitional Government of Burundi with the Forces pour la défense de la démocratie of Mr. Jean Bosco Ndayikengurukiye and the Parti pour la libération du peuple hutu-Forces nationales de libération of Mr. Alain Mugabarana, as well as the Global Ceasefire Agreement signed on 16 November 2003 at Dar-es-Salaam, United Republic of Tanzania, between the Transitional Government and the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie of Mr. Pierre Nkurunziza,

Reiterating its concern at the continuing hostilities in certain parts of the country, underlining that there cannot be a military solution to Burundi’s problems, urging all the parties to observe an immediate ceasefire, and stressing the importance attached to the Parti pour la libération du peuple hutu-Forces nationales de libération of Mr. Agathon Rwasa, the last armed movement that has still not done so, participating in the peace process of the Arusha Agreement,

Taking note in this regard of the talks which were started between the President of the Republic of Burundi, Mr. Domitien Ndayizeye, and this armed movement at the meeting held at Oisterwijk, the Netherlands, from 18 to 21 January 2004, as well as the congress held at Kigoma, United Republic of Tanzania, from 18 to 21 April 2004 by the Parti pour la libération du peuple hutu-Forces nationales de libération of Mr. Agathon Rwasa, and urging the latter to conclude an agreement with the Transitional Government without delay with a view to a complete cessation of hostilities and its participation in the transitional institutions,

Condemning all acts of violence, as well as human rights and international humanitarian law violations, and particularly concerned by the increasing incidents of rape, including mass rapes,

Reaffirming its determination to support the efforts of Burundians to bring the perpetrators of such acts and violations to justice on the basis of the rule of law in order to put an end to situations of impunity, and calling upon the parties and transitional authorities to take without delay all necessary measures to that end,


Taking note of the progress achieved in preparing the disarmament, demobilization and reintegration programme for the combatants, calling upon the parties to commit themselves firmly to that programme, and encouraging the international financial institutions and donors to support the programme,

Expressing its concern at the deteriorating economic situation in Burundi in the context of the conflict, and recognizing that any improvement in security should be matched by tangible economic and social benefits for the population,

Considering that the voluntary and sustainable return of refugees and internally displaced persons will be a critical factor for the consolidation of the peace process, and will require a just solution of the issue of land ownership,

Welcoming the conclusions of the Forum of Burundi’s Development Partners, which was held at Brussels on 13 and 14 January 2004, and calling upon donors to honour their pledges,

Paying tribute to the efforts made by the African Union as well as by the States which are members of the Regional Initiative, especially Uganda and the United Republic of Tanzania, and the Facilitation, in particular South Africa, to bring peace to Burundi, and encouraging the African Union to maintain a strong presence in Burundi to accompany the efforts of the Burundian parties, as specified in the Arusha Agreement and subsequent agreements,

Welcoming the efforts of the African Mission in Burundi and the contingents from South Africa, Ethiopia and Mozambique which make it up, as well as the Member States which have assisted the Mission in its deployment,

Encouraging the efforts being undertaken to train a joint Burundian protection unit to ensure continuing security of the leaders of the transitional institutions, and underlining the need for that unit to be operational as soon as possible,

Taking note of the statements made before the Council by the President of Burundi on 22 September 2003 and by the Deputy President of the Republic of South Africa, Mr. Jacob Zuma, on 4 December 2003, in favour of transforming the African Mission in Burundi into a United Nations peacekeeping operation, and taking note also, in that regard, of the letter dated 15 March 2004 from Mr. Thérence Simunguruza, Minister for Foreign Affairs and Cooperation of Burundi, addressed to the President of the Security Council, as well as the letter dated 17 March 2004 from Mr. Alpha Oumar Konaré, Chairperson of the Commission of the African Union, addressed to the Secretary-General,
Aware of the difficulty of sustaining stability in Burundi unless peace is restored beyond its borders, in particular in the Democratic Republic of the Congo, and underlining how important it is for all the States concerned, especially those of the region, to cooperate towards that end, and for the United Nations to coordinate its efforts in the two countries,

Having considered the report of the Secretary-General on Burundi,

Welcoming with satisfaction and encouraging the efforts of the United Nations to enhance the awareness of peacekeeping personnel of the need to prevent and combat HIV/AIDS and other communicable diseases,

Noting that obstacles remain to Burundi’s stability, and determining that the situation in that country continues to constitute a threat to international peace and security in the region,

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

1. Welcomes the recommendations contained in the report of the Secretary-General on Burundi;

2. Decides to authorize, for an initial period of six months as from 1 June 2004, with the intention to renew it for further periods, the deployment of a peacekeeping operation called the United Nations Operation in Burundi (the acronym ONUB to be used in all languages), pursuant to the mandate specified in paragraphs 5 to 7 below, in order to support and help to implement the efforts undertaken by Burundians to restore their peace and bring about national reconciliation, as provided under the Arusha Agreement;

3. Decides also that ONUB shall be headed by the Special Representative of the Secretary-General for Burundi, who chairs the Implementation Monitoring Committee of the Arusha Agreement, and shall initially be composed of existing forces of the African Mission in Burundi, and therefore requests the Secretary-General, acting in liaison with the African Union, to ensure the transfer of authority over the Mission, within the framework of ONUB, to his Special Representative;

4. Decides further that ONUB shall consist of a maximum of 5,650 military personnel, including 200 observers and 125 staff officers, and up to 120 civilian police personnel, as well as the appropriate civilian personnel;

5. Authorizes ONUB to use all necessary means to carry out the following mandate, within its capacity and in the areas where its armed units are deployed, and in coordination with humanitarian and development communities:

(a) To ensure the respect of the ceasefire agreements, by monitoring implementation and investigating violations of those agreements;

(b) To promote the re-establishment of confidence between the Burundian forces present, monitor and provide security at their pre-disarmament assembly sites, collect and secure weapons and materiel to dispose of it as appropriate, and contribute to the disarming of militias as called for in the ceasefire agreements;

(c) To carry out the disarmament and demobilization portions of the national programme of disarmament, demobilization and reintegration of combatants;

(d) To monitor the quartering of the Armed Forces of Burundi and their heavy weapons, as well as the disarmament and demobilization of the elements that need to be disarmed and demobilized;

(e) To monitor, to the extent possible, the illegal flow of arms across the national borders, including Lake Tanganyika, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo and, as appropriate, with the group of experts referred to in paragraph 10 of resolution 1533(2004) of 12 March 2004;

(f) To contribute to the creation of the necessary security conditions for the provision of humanitarian assistance and facilitate the voluntary return of refugees and internally displaced persons;

(g) To contribute to the successful completion of the electoral process stipulated in the Arusha Agreement by ensuring a secure environment for free, transparent and peaceful elections to take place;

(h) Without prejudice to the responsibility of the Transitional Government of Burundi, to protect civilians under imminent threat of physical violence;

(i) To ensure the protection of United Nations personnel, facilities, installations and equipment, as well as the security and freedom of movement of ONUB personnel, and to coordinate and conduct, as appropriate, mine action activities in support of its mandate;

6. Decides that ONUB shall provide advice and assistance, within its capacity and subject to carrying out tasks stipulated in paragraph 5 above, to the Transitional Government and authorities to contribute to their efforts:

(a) To monitor Burundi’s borders, with special attention to refugees, as well as to movements of combatants, especially in the Cibitoke province;

(b) To carry out institutional reforms as well as the constitution of the integrated national defence and internal security forces and, in particular, the training and monitoring of the police, while ensuring that they are democratic and fully respect human rights and fundamental freedoms;

(c) To proceed with electoral activities;

(d) To complete implementation of the reform of the judiciary and correction system, in accordance with the Arusha Agreement;

(e) To ensure, in close liaison with the Office of the United Nations High Commissioner for Human Rights, the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, and investigate human rights violations to put an end to impunity;

7. Decides also that ONUB shall cooperate with the Government and authorities of Burundi, as well as their international partners, to ensure the coherence of their work, in assisting the Government and authorities of Burundi in:

(a) Extending State authority and utilities throughout the territory, including civilian police and judicial institutions;

(b) Carrying out the national programme of disarmament, demobilization and reintegration of combatants and members of their families, including those coming from the territory of the Democratic Republic of the Congo, in liaison with the Government of that country and the United Nations Organization Mission in the Democratic Republic of the Congo, and with particular attention to the specific needs of women and children;
8. Requests the Secretary-General, through his Special Representative for Burundi, to conduct all the activities of the United Nations system in Burundi, and to facilitate the coordination with other national, regional and international actors, in particular the African Union, of activities in support of the transition process, while ensuring that ONUB personnel give special attention to issues related to gender equality, as well as to the specific needs of children;

9. Also requests the Secretary-General to conclude agreements with States neighbouring Burundi to enable ONUB forces to cross their respective borders in pursuit of armed combatants, as may be necessary while carrying out their mandate;

10. Requests the Transitional Government of Burundi to conclude a status-of-forces agreement for ONUB with the Secretary-General within thirty days of the adoption of the present resolution, taking into consideration General Assembly resolution 58/82 of 9 December 2003 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and notes that, pending the conclusion of such an agreement, the model status-of-forces agreement for peacekeeping operations of 9 October 1990 shall apply provisionally;

11. Requests all parties to cooperate fully with the deployment and operations of ONUB, in particular by ensuring the safety and freedom of movement of United Nations and associated personnel, as well as the provision of humanitarian, development and aid organizations, throughout the territory of Burundi;

12. Recalls its resolution 1502(2003) of 26 August 2003, reaffirms the obligation of all parties to comply fully with the rules and principles of international humanitarian law applicable to them related to the protection of humanitarian and United Nations personnel, and urges all those concerned to allow full, unimpeded access by humanitarian personnel to all people in need of assistance as set forth in applicable international humanitarian law;

13. Requests all parties and concerned States to facilitate the voluntary, safe and sustainable return of refugees and internally displaced persons, and to cooperate fully to this end with ONUB and the relevant international organizations;

14. Underlines the need for ONUB to have at its disposal an effective public information capacity, including through local and national radio, television and newspaper channels, to promote understanding of the peace process and the role of ONUB among local communities and the parties;

15. Stresses the importance of the full and unconditional implementation of the Arusha Agreement, and demands that all parties fulfill their obligations under that agreement in order to allow the electoral process, in particular the legislative elections, to take place before 31 October 2004;

16. Reaffirms the need for all parties to complete in a timely manner the execution of the programme for the regrouping and cantonment of combatants and to begin implementing as soon as possible the programme to dismantle all armed groups, including the militias, and the disarmament, demobilization and reintegration programme, giving particular attention to the specific needs of women and children, and to proceed as well, in parallel, with the restructuring of the armed forces and the internal security forces;

17. Reaffirms also the continued need to promote peace and national reconciliation and to foster accountability and respect for human rights in Burundi, and urges the Government of Burundi, specialized agencies, other multilateral organizations, civil society and Member States to accelerate their efforts to establish the Truth and Reconciliation Commission, as provided for in the Arusha Agreement;

18. Expresses its deep concern over the illicit flow of arms to armed groups and movements, in particular those which are not parties to the peace process under the Arusha Agreement, calls upon all States to halt that flow without prejudice to the Burundian national army and police forces whose integration is in progress, and expresses its intention to consider this issue further as soon as possible after the deployment of ONUB;

19. Urges the international financial institutions and the donor community to continue to contribute to the economic development of Burundi, in particular for the long term, including through the realization of pledges already made, to enable that country to achieve sustainable stability, and in order also to contribute to the wider stability of the region;

20. Requests the Secretary-General to ensure that his Special Representatives for Burundi and for the Democratic Republic of the Congo coordinate the activities of ONUB and the United Nations Organization Mission in the Democratic Republic of the Congo, share military information at their disposal, in particular concerning cross-border movements of armed elements and arms trafficking, and pool their logistic and administrative resources, to an extent that does not affect the ability to carry out their respective mandates, in order to maximize efficiency and cost-effectiveness;

21. Decides that ONUB shall carry out its mandate in close cooperation with the Mission, in particular concerning monitoring and prevention of movements of combatants across the border between Burundi and the Democratic Republic of the Congo, as well as the implementation of the disarmament and demobilization programmes;

22. Requests the Secretary-General to keep the Council informed on a regular basis of developments in the situation in Burundi, the implementation of the Arusha Agreement and the execution of the mandate of ONUB and to submit a report on those developments every three months, including an evaluation of the strength of the military component, with a view to its adjusted reduction, taking account of the progress made on the ground and the tasks remaining to be accomplished;

23. Decides to remain actively seized of the matter.

Appointments. The Secretary-General, on 24 May [S/2004/433], informed the Security Council of his intention to appoint Carolyn McAskie (Canada) as his Special Representative for Burundi and Head of ONUB, replacing Berhanu Dinka (Ethiopia). The Council took note of the appointment on 28 May [S/2004/434]. Similarly, on 16 July [S/2004/583], the Secretary-General informed the Council of his nomination of Major
General Derrick Mbuyiselo Mgwebi (South Africa), formerly AMIB Force Commander, as ONUB Force Commander. The Council took note of that information on 21 July [S/2004/584].

Communications (May and July). In a statement forwarded to the Security Council on 28 May [S/2004/448], the EU welcomed the establishment of ONUB and called on PALIPEHUTU-FNL to seize the opportunity for peace. It encouraged the Regional Peace Initiative on Burundi (see below), in particular Uganda, the United Republic of Tanzania and South Africa, to cooperate in efforts to support the transition in Burundi. In another statement of 19 July [S/2004/608], the EU reiterated its support, particularly regarding financial support, for the disarmament, demobilization and reintegration process and the reform of the defence and security forces of Burundi. It called for the electoral process to be set in motion and considered that the urgent establishment of the Independent National Electoral Commission, the adoption of the electoral code and communal law, and the adoption of the post-transition constitution would start the process rapidly and definitively.

Regional Peace Initiative

The Great Lakes Regional Peace Initiative on Burundi, at its twenty-first summit (Dar es Salaam, 5 June), discussed the elections scheduled for October and the non-participation of PALIPEHUTU-FNL in the peace process. In a communiqué transmitted on 8 June [S/2004/471], the summit directed that the electoral process start without further delay with a view to holding elections by 31 October, as stipulated in the Arusha Agreement, and mandated the Facilitator, Deputy President Zuma, to help the Government and the Burundi parties to reach a compromise on outstanding issues relating to power-sharing. Noting that the continued intransigence of PALIPEHUTU-FNL posed an obstacle to the peace process, the summit urged the AU Peace and Security Council to recommend appropriate political and legal action within three months and called on PALIPEHUTU-FNL to take advantage of that time period and join the peace process. It decided to impose restrictions on the movement of that group’s leaders and invited the international community to do likewise. The summit mandated the Chairperson of the Regional Initiative, Ugandan President Yoweri Museveni, to approach the United Nations for assistance in providing protection services for Burundi leaders who requested it.

The AU Peace and Security Council, at its twelfth meeting (Addis Ababa, 4 July) [S/2004/561], endorsed the decision of the Regional Initiative summit to extend the deadline for PALIPEHUTU-FNL to join the peace process by three months and to impose restrictions on the movements of its members.

At its twenty-second summit meeting (Dar es Salaam, 18 August) [S/2004/665], the Regional Peace Initiative took note of the consultations on power-sharing held in Pretoria and Bujumbura between the Burundi parties, and endorsed the power-sharing agreement concluded in Pretoria on 6 August as the appropriate mechanism for ensuring ethnic balance. It endorsed the acknowledgement that the provisions of the Arusha Agreement be incorporated in the Burundian constitution and in all other relevant legislation. It invited the Transitional Government to ensure that the Independent Electoral Commission was in place by 29 August and that the National Assembly decide on the draft constitution three weeks later, failing which it should be submitted to a referendum or to the Implementation Monitoring Committee.

The summit condemned the terrorist attack against the UN refugee camp in Gatumba, Burundi, on 13 August (see below). In the light of recent incidents and of the refusal of PALIPEHUTU-FNL to renounce violence and participate in the peace process, the summit declared PALIPEHUTU-FNL a terrorist organization.

Gatumba massacre

On 14 August [S/2004/652], Rwanda issued a communiqué expressing its shock and horror at the massacre of more than 150 Congolese Banyamulenge refugees at the UNHCR transit camp at Gatumba on the night of 13 August. Information available indicated that the attack was perpetrated by a combined force of ex-FAR/Interahamwe, Rwanda expressed concern that for 10 years the international community refused to disarm the ex-FAR/Interahamwe, the force that committed the genocide in Rwanda, or to take any decisive action against them. Rwanda again called on the international community to take action against the incipient ethnic cleansing in the region, especially in eastern DRC. It called for the forcible disarmament, demobilization and repatriation of the ex-FAR/Interahamwe currently deployed along Rwanda’s border and in many cases co-located with DRC armed forces.

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As the Secretary-General reported in his 25 August report [S/2004/682] (see p. 151), the massacre occurred after a period of escalating tension in Bujumbura Rurale, while other areas of the country were relatively stable. The instability in the area ignited with the Gatumba massacre. An investigation of the event by the United Nations yielded inconclusive results (see below).

SECURITY COUNCIL ACTION (August)

On 15 August [meeting 5021], following consultations among Security Council members, the President made statement S/PRST/2004/30 on behalf of the Council:

The Security Council condemns with the utmost firmness the massacre of refugees from the Democratic Republic of the Congo which occurred on the territory of Burundi, in Gatumba, on 15 August 2004.

The Council requests the Special Representative of the Secretary-General for Burundi, in close contact with the Special Representative of the Secretary-General for the Democratic Republic of the Congo, to establish the facts and report on them to the Council as quickly as possible.

The Council calls upon the authorities of Burundi and of the Democratic Republic of the Congo to cooperate actively so that the perpetrators and those responsible for those crimes can be brought to justice without delay.

The Council calls upon all States in the region to ensure that the territorial integrity of their neighbours is respected. It recalls in this respect the declaration of principles on good-neighbourly relations and cooperation adopted in New York on 25 September 2003. It encourages them to redouble their efforts in order to provide security for the civilian populations on their territory, including for the foreigners to whom they grant refuge.

The Council requests the United Nations Operation in Burundi and the United Nations Organization Mission in the Democratic Republic of the Congo to offer their assistance to the Burundian and Congolese authorities with a view to facilitating the investigation and to strengthening the security of vulnerable populations.

Communications. The AU Peace and Security Council, at its fifteenth meeting (Addis Ababa, 17 August) [S/2004/655], condemned the massacre and stressed the need to establish the Joint DRC/Rwanda Verification Mechanism. The Council recalled its decision of 4 July calling for an examination of PALIPEHUTU-FNL activities and reiterated its appeal to AU member States to impose, with immediate effect, restrictions on the movement of their leaders and members, as recommended by the twenty-first summit of the Regional Peace Initiative (see p. 149).

The Fourteenth Ministerial Conference of the Non-Aligned Movement (Durban, South Africa, 19 August) [S/2004/694] supported the Regional Peace Initiative’s decision (see p. 149) to declare PALIPEHUTU-FNL, which had claimed responsibility for the massacre, a terrorist organization, and urged the United Nations and the AU to reinforce that position. It also supported the proposal to conduct an international investigation into the massacre.

Reports on investigation into massacre. On 3 September [S/2005/6], the Security Council received a preliminary oral report on the ongoing investigation, conducted by MONUC, ONUB and OHCHR, of the massacre committed in the refugee camp at Gatumba. Council members, reaffirming their condemnation of the attack on defenceless refugees, expressed their expectation that they would soon receive a final report on the investigation.

On 15 October [S/2004/821], the Secretary-General transmitted to the Council the joint report on the Gatumba massacre (see above), as it had requested in presidential statement S/PRST/2004/30 (see above). According to the report, despite an extensive investigation, the UN team was unable to conclusively identify who authorized, financed or carried out the killings. Nevertheless, sufficient information was collected to warrant further investigation. Evidence pointed to PALIPEHUTU-FNL, the only group claiming responsibility, as probably having participated in the massacre but unlikely to have done so on its own. Evidence of other groups’ participation was credible but could not be confirmed. The attack, apparently ethnically and politically motivated, targeted Banyamulenge refugees from the DRC who had fled fighting there in June. The Banyamulenge were viewed as pro-Rwanda by many, even though they participated on both sides of the fighting in June. The Governments of Burundi and Rwanda, as well as the Munyamulenge Vice-President of the DRC, charged that the refugees were killed by an alliance of anti-Tutsi groups based in eastern DRC, which might have included elements of FARDC, members of a Rwandan Hutu rebel group partly composed of ex-FAR/ Interahamwe and Mayi-Mayi. The UN team investigated all leads but was unable to find conclusive evidence.

The massacre was committed at a critical moment in the peace processes in both the DRC and Burundi and threatened to scuttle both. Information suggesting the potential involvement of one or more actors in the DRC warranted a continuation of the investigation. The team collected sufficient information about the crime to recommend a thorough judicial inquiry at both the national level, led by Burundi, and the international level, led by the International Criminal Court (ICC).
The team recommended that the Council encourage the immediate initiation of national and international judicial proceedings to ensure that the authors and perpetrators of the killings were identified, prosecuted and brought to justice, and that Burundi should seek international technical assistance for the investigation and should be able to rely on the full cooperation of the DRC and Rwanda. Burundi should also immediately invoke the jurisdiction of ICC. In view of the political instability in the region, Governments and others in the region should be called on to exercise restraint in their declarations concerning the massacre. Burundi should also be requested to immediately take all measures necessary to protect refugee and internally displaced populations.

Burundi, reacting to the report on 29 October [S/2004/687], said that it was conducting an investigation and intended to release its own report shortly. It pointed out and gave examples of omissions, confused interpretations of facts and assertions that were contrary to stated facts in the UN report. It declared its intention to pursue a thorough judicial investigation at the national and subregional levels with the cooperation of the DRC and Rwanda to bring the culprits to justice and would refer the matter to ICC.

Further political developments

Report of Secretary-General (August). On 25 August [S/2004/682], the Secretary-General issued his first report on ONUB, covering developments since his 16 March report (see p. 143).

During the reporting period, the Burundian parties engaged in intense negotiations on the electoral process and post-transitional power-sharing arrangements. On 26 March, President Ndayizeye invited 27 armed political parties and movements to an all-party forum to discuss the election and legal instruments to govern Burundi in the post-transition period, but no consensus was reached. Thereafter, the Facilitation (South Africa) met with those organizations five times from April to July in Bujumbura and Pretoria. The Secretary-General’s Special Representative also worked closely with the Facilitation and the parties to move the process forward. The Tutsi parties called for revisions to the Arusha Agreement and subsequent agreements, particularly to provide for an alternating presidency between Hutu and Tutsi parties; one (Tutsi) Vice-President with veto power, instead of two from different ethnic groups, as called for in the Arusha Agreement; and a 10-year interim period between the transition and full democracy, instead of five. By law, political parties were required to be ethnically mixed, with every party having a 30 per cent minimum representation of each ethnic group. The Tutsi parties argued that, to be fairly represented in legislative bodies, at least 70 per cent of the 40 per cent of the seats reserved for them had to be occupied by Tutsis representing Tutsi-led parties and the remaining 30 per cent by Tutsis representing Hutu parties. The Tutsi parties opposed those amendments. At an 18-21 July meeting, the Facilitation stressed that the agreements should be adhered to, a position accepted by the Hutu parties but rejected by the Tutsi. In July, Vice-President Alphonse Kadege of the Tutsi-dominated UPC party denounced the discussions as favouring the Hutu parties.

To break the deadlock, the Facilitation, in coordination with ONUB, invited all armed political parties and movements to Pretoria for consultations on 4 and 5 August. CNDD-FDD (Nkurunziza) declined to participate. The talks ended with 20 predominantly Hutu parties agreeing to the power-sharing formula suggested by the Facilitation and 11 predominantly Tutsi parties rejecting it. However, the Hutu parties made the concession to increase by 21 the number of seats for minority groups in the National Assembly. Meanwhile, efforts continued to convince CNDD-FDD representatives to occupy the seats reserved for them in the National Assembly, the Senate and the Cabinet, which they refused to do in protest against the presence of former army officers in the National Assembly. On 27 July, after a meeting with the President, CNDD-FDD (Nkurunziza) agreed to resume its activities in the National Assembly and the Cabinet, but no agreement was reached on its participation in the Senate.

On 28 May, the Cabinet agreed to postpone the elections by one year on technical grounds, which was rejected by CNDD-FDD (Nkurunziza) and the Front for Democracy in Burundi (FRODEBU), but welcomed by the Union for National Progress (UPRONA). ONUB encouraged the parties to separate the technical aspects of the electoral process from the political negotiations in order to move the process along. The Independent Electoral Commission was established on 5 August, but the five commissioners had not been nominated or approved.

The Special Representative worked with the Facilitation and others concerned to build confidence between the Transitional Government and FNL. The latter offered to cease fire if certain conditions were met, including the return of CNDD-FDD to its cantonment areas and the confinement of the Burundian Armed Forces to barracks. The Transitional Government rejected the offer but did indicate its willingness to engage in formal ceasefire negotiations at a later date. In
the meantime, tensions in Bujumbura Rurale escalated, culminating in the massacre at the Gatumba refugee camp on 13 August (see p. 149). President Ndayizeye, at a meeting with the Special Representative on 15 August, expressed concern about a possible alliance of FNL, Congolese Mayi-Mayi and ex-FAR/Interahamwe forces.

In other developments, the Implementation Monitoring Committee, meeting in April (20-23) and again in July (12-14) under the Chairmanship of the Special Representative, urged the adoption of the necessary legislation for the electoral process and the fulfilment of the disarmament, demobilization and reintegration process. It urged the parties to set up the Electoral Commission and decided that, if the parties failed to agree on a post-transition constitution by 31 July, it would, in accordance with the Arusha Agreement, hire experts to draft the document.

With regard to military integration, the Joint Ceasefire Commission endorsed, on 17 June, an operations plan for the pre-disarmament, disarmament and demobilization of combatants, which was approved by the Cabinet, but the Government still had to prepare an operational plan for the integration, demobilization and reform of the military and a budget to support that process. Belgium, France, the Netherlands and the United Kingdom contributed to the integrated training of combatants from the various armed political parties and movements. As to the implementation of the disarmament, demobilization and reintegration programme, technical preparations were moving forward and a demobilization centre was set up. Members of various groups were assembled in 12 pre-disarmament assembly areas throughout the country, but the Burundian Armed Forces had not begun cantonning its troops, on the grounds that their deployment was required because of ongoing hostilities with FNL (Rwasa). Although funding was available for demobilization and reintegration, primarily through the World Bank, the lack of an operational plan remained a concern. Efforts were also under way to enhance the functioning of the local police.

ONUB's police component had begun assessing the current police structure, analysing the training required and assisting in the formulation of a comprehensive plan for security arrangements during the elections.

The deployment of ONUB, which totalled 3,312 troops as at 23 August, was behind schedule due primarily to lack of donor response, particularly for the maritime unit and the "over-the-horizon" force proposed by the Secretary-General (see p. 145). The mission sent a battalion each to Gitega and Bubanza, and a company remained in Bujumbura, which would be built up to battalion strength. Daily patrols began in Bujumbura Rurale and some 100 military observers were deployed to field sites, mostly in Bujumbura Rurale, where they encountered some difficulties with freedom of movement. A maritime unit patrolled Lake Tanganyika.

In his observations, the Secretary-General called on Burundi, the DRC and the international community to ensure that those responsible for the Gatumba massacre were held responsible. He expressed concern about the possibility of heightened ethnic tensions in Burundi following the massacre, and urged those Governments and Rwanda to work together to end ethnic-based hostilities that had afflicted the subregion for so long.

Noting that the negotiations on post-transition power-sharing had shown signs that the parties were willing to find common ground to implement the Arusha timetable and preserve peace, he called on them to continue in that direction. He also noted that the parties had yet to demonstrate the good faith and political will necessary to fulfil their commitments to each other and to the Security Council.

**Communication (September).** The EU, in a statement issued on 6 September [S/2004/737], welcomed Burundi’s establishment of an Independent Electoral Commission which would play the leading role in the organization of local, regional, parliamentary and presidential elections. Its creation made it possible to proceed with the adoption of a new constitution and electoral laws. The EU also welcomed the law creating the Truth and Reconciliation Commission and expressed its willingness to assist Burundi in the organization of elections.

**Security Council communiqué.** At a closed meeting held on 25 September [meeting 5042], the Security Council heard a briefing by Burundian President Ndayizeye, who, according to the Council President, in his summary of the Council’s activities in September [S/2005/6], informed the Council of the latest developments in Burundi, including the adoption of a draft constitution and the decision of the Transitional Government to hold a referendum on the draft constitution. Council members encouraged the President to continue to work for a successful conclusion of the transition.

**Extension of transitional period**

The twenty-third summit of the Great Lakes Regional Peace Initiative on Burundi (Nairobi, 15 October) [S/2004/504] welcomed the progress made by the Transitional Government, specifically the establishment of the Independent Electoral Commission, the adoption of the draft...
post-transitional constitution, and President Ndayizeye’s announcement of 20 October as the date of the referendum on the post-transitional constitution. Based on the reality on the ground, the summit accepted that elections could not take place before 1 November, and it endorsed the Independent Electoral Commission’s electoral calendar, which rescheduled the constitutional referendum for 26 November, local elections (COLLINE) on 9 February 2005, commune council elections on 23 March 2005, National Assembly elections on 23 March 2005, Senate elections on 23 March 2005 and the presidential election on 22 April 2005. As a consequence, the summit noted that the life of the transition institutions and administration had to be extended. It noted that that issue was addressed in the draft constitution passed by the National Assembly and the Senate. The summit decided that the draft constitution should be endorsed before 25 October 2004, as an interim constitution until the referendum, to facilitate the election process in line with the calendar of the Independent Electoral Commission. The summit also decided that the region should assist Burundi to secure the financial resources required for elections by ensuring that the donors who had pledged funds met their obligations.

Burundi, in its 8 November letter transmitting the summit’s communiqué, reported that the Congress had approved the interim constitution, which came into force on 1 November. In addition, the President had appointed the provincial electoral committees, which worked under the authority of the Independent Electoral Commission. According to the Chairman of that Commission, the electoral timetable was provisional and adherence to those dates would depend on the security situation in the country. Moreover, the holding of the constitutional referendum would also depend on such factors as availability of resources for a census and the manufacture of identification cards and voting cards.

Situation at end of year

The Secretary-General, in his 15 November report on ONUB [S/2004/902], which covered events since 25 August, said that the reporting period was marked by major developments in the last few months of the original 36-month transitional period, which ended on 31 October. Among the remaining challenges were the adoption of key legislation, including the communal law, repeal of the law banning assembly, and laws governing the establishment of the new military and security forces, and the adoption of a new electoral code before elections could be held. Disarmament needed to proceed without delay, so that armed groups could become eligible to register as political parties before the elections. Demobilization and integration should proceed for the creation of integrated security services, and the issue of the proliferation of arms should be addressed to ensure security for elections. The question of FNL (Rwasa), which remained outside the peace process, would have to be resolved.

On 20 October, the President, after consultations, signed a law declaring the draft constitution, adopted on 17 September, to be the interim constitution until the referendum was held. After some initial refusals, 9 of the 10 Tutsi-dominated G-10 parties accepted the interim constitution. However, some prominent Tutsi leaders, including the Vice-President, Alphonse Kadege, continued to call for a debate on the proposed constitution. Mr. Kadege was later dismissed by the President. The tenth party, PARENA, did not participate in the political process and refused to pronounce itself on the matter.

UNDP and ONUB estimated that $23 million was required to fund the electoral process, including the constitutional referendum, of which $19.5 million had been pledged but only $1.87 million had been received.

The military situation remained generally stable, with the exception of three western provinces, Bujumbura Rurale, Cibitoke and Bubanza, where frequent clashes occurred between FAB/CNDD-FDD and RNL (Rwasa). The hostilities caused temporary displacements of the local population. Crime, which was on the rise, was characterized by indiscriminate and opportunistic incidents, including organized crime. On 26 September, a United Nations Volunteer was murdered in Bujumbura, the first civilian casualty in the mission. The instability in eastern DRC continued to contribute to increased tensions in Burundi. In mid-October, roughly 3,000 Burundians, mostly Tutsis, citing fear of election-related violence, crossed into Rwanda, which prompted UPRONA to accuse CNDD-FDD (Nkurunziza) of conducting a “terror campaign”. More than half had returned a month later.

In order to speed up disarmament, training of combatants to form joint security brigades began. On 23 September, 1,000 FAB and 800 CNDD-FDD (Nkurunziza) elements completed a month-long training programme and were deployed to replace the Burundian Armed Forces units in Bujumbura Rurale. The five smaller armed parties and political movements had not yet begun participating, pending an agreement with the Transitional Government on selection criteria and disarmament procedures.
An estimated 12,000 combatants were expected to be demobilized before elections in April 2005, but disagreements on procedure for disarmament and demobilization from starting. However, there was agreement on the demobilization of child soldiers by the end of 2004. Despite the political problems, most of the technical preparations for disarmament, demobilization and reintegration were completed, including the establishment of three demobilization centres and arrangements to supply them. The Transitional Government and ONUB had prepared a disarmament, demobilization and reintegration plan. As at 18 October, 20,979 members of the armed political parties and movements had been assembled in 12 pre-disarmament assembly areas monitored by ONUB. All the parties provided the Joint Ceasefire Commission with lists of their combatants, which were being verified by the joint liaison teams. The Council of Ministers adopted a decree on the formation, organization and mandate of the National Burundian Police.

The Secretary-General reported that overall, steady progress had been observed in the peace process, especially with regard to the extension of the transition and the establishment of a clear electoral calendar, thereby averting a constitutional crisis. Major political and social tensions in the country remained, however, fuelled by mistrust between the parties. Having made major political achievements in the last six months, Burundi found itself at the beginning of a dynamic but potentially volatile electoral process. In the light of the progress, and in view of the remaining priorities of the transition, he recommended that ONUB’s mandate be extended for an additional six months, until 31 May 2005.

Report of Security Council 2004 mission. The Security Council mission to the Great Lakes region (21-25 November) (see p. 115), in its report to the Council [S/2004/994], said that it was greatly impressed by the progress made in the peace process in Burundi and expressed its support for the transitional process based on the principles of dialogue, power-sharing and reconciliation. Welcoming the decision on extension of the transitional process, the mission expressed concern over delays encountered in the critical areas of the adoption of the electoral code and the commune act, essential prerequisites for the elections, and in progress in disarmament, demobilization and reintegration in order to create conditions for holding elections.

In discussions with Burundian leaders, the mission emphasized the need to ensure stability in the post-transition period. It noted the call by many of its interlocutors that an international judicial commission of inquiry be established to support the fight against impunity, and that the draft legislation on the national Truth and Reconciliation Commission had been adopted by the Parliament. The mission also heard that the security situation had improved. With the exception of Bujumbura Rurale, most of the country was considered stable. As in previous Council visits to the country, the interlocutors appealed for help in overcoming the dire poverty facing the country, which was a root cause of the conflict.

The mission recommended that the Council consider the issue of FNL, with a view to ascertaining what additional measures could be taken against those in the movement who compromised the peace process; consider the feasibility of establishing an international judicial commission of inquiry; and urge donor countries to disburse financial aid and extend technical assistance to Burundi. It also recommended the extension of ONUB’s mandate.

Security Council consideration. The Council considered the mission’s report on 30 November [meeting 5091] and 8 December [meeting 5096], and heard presentations by the head of the mission, who noted that the framework for the end of the transition and the post-transition period had largely been agreed and a referendum on the constitution was set for 22 December. As in the DRC, the mission was encouraged by what it had seen, despite remaining difficulties, which should not be underestimated. In Burundi, the process was more on track; it was currently a question of will and determination. Burundi faced the problem of FNL receiving support in the DRC from the ex-FAR/Interahamwe.

SECURITY COUNCIL ACTION (December)


The Security Council,
Recalling its resolution 1545 (2004) of 21 May 2004 and the statement by its President of 15 August 2004,
Reaffirming its strong commitment to the respect of the sovereignty, independence, territorial integrity and unity of Burundi, and recalling the importance of the principles of good-neighbourliness and non-interference, and of regional cooperation,
Reaffirming its full support for the process of the Arusha Peace and Reconciliation Agreement for Burundi signed at Arusha, United Republic of Tanzania, on 28 August 2000 (hereinafter “the Arusha Agreement”), calling upon all the Burundian parties to honour fully their commitments, and assuring them of its determination to support Burundi’s efforts to bring the transition to an end successfully through the holding of free and fair elections,
Welcoming the positive achievements that have been made so far by the Burundian sides, including since the deployment of the United Nations Operation in Burundi on 1 June 2004,

Welcoming in particular the agreement signed by the Burundian parties at Pretoria on 6 August 2004, and the subsequent adoption by the Parliament of an interim Constitution, on 20 October 2004, which provides guarantees for all communities to be represented in the post-transition institutions,

Encouraging all Burundian parties to continue their dialogue in a spirit of compromise, in particular during the campaign to explain the interim Constitution and the drawing-up of the electoral code, with a view to a lasting political solution,

Recalling that there is no alternative to the holding of elections as provided for by the Arusha Agreement, and calling upon the transitional authorities to carry through the electoral process scheduled to take place until 22 April 2005,

Paying tribute to the efforts made by the States of the Regional Peace Initiative on Burundi, especially Uganda and the United Republic of Tanzania, and the Facilitation, in particular South Africa, to support the peace process in Burundi, and encouraging them to continue to accompany the efforts of the Burundian parties,

Encouraging the international donor community to respond to requests from the Government of Burundi to strengthen its national judicial institutions and rule-of-law capacity,

Condemning all acts of violence as well as violations of human rights and international humanitarian law, Reiterating its strong condemnation of the Gatumba massacre, and reaffirming that perpetrators of such crimes must be brought to justice,

Taking note of the joint report of the United Nations Operation in Burundi, the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights regarding the Gatumba massacre on 13 August 2004, and taking note also of the statement by the Government of Burundi of 29 October 2004 and of its commitment to bring its investigation into the Gatumba massacre to a prompt conclusion, with international support as appropriate,

Taking note also of the report of the Secretary-General of 15 November 2004,

Noting that obstacles remain to Burundi’s stability, and determining that the situation in that country continues to constitute a threat to international peace and security in the region,

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

1. **Decides** that the mandate of the United Nations Operation in Burundi, as defined in resolution 1545(2004), shall be extended until 1 June 2005;

2. **Urges** all the Governments and parties concerned in the region to denounce the use of and incitement to violence, to condemn unequivocally violations of human rights and of international humanitarian law, and actively to cooperate with the United Nations Operation in Burundi and the United Nations Organization Mission in the Democratic Republic of the Congo and with efforts of States aimed at ending impunity;

3. **Calls upon** the Governments of the Democratic Republic of the Congo and of Rwanda to cooperate unreservedly with the Government of Burundi to ensure that the investigation into the Gatumba massacre is completed and that those responsible are brought to justice;

4. **Requests** the United Nations Operation in Burundi and the United Nations Organization Mission in the Democratic Republic of the Congo to continue to provide their assistance, within their mandates, to the Burundian and Congolese authorities, with a view to facilitating the completion of the investigation into the Gatumba massacre and strengthening the security of vulnerable populations;

5. **Deeply troubled** by the fact that the Parti pour la libération du peuple hutu-Forces nationales de libération of Mr. Agathon Rwasa has claimed responsibility for the Gatumba massacre, expresses its intention to consider appropriate measures that might be taken against those individuals who threaten the peace and national reconciliation process in Burundi;

6. **Requests** the Secretary-General to keep it informed on a regular basis of developments in the situation in Burundi, the implementation of the Arusha Agreement, the execution of the mandate of the United Nations Operation in Burundi and the action taken by the Burundian authorities following the recommendations of the Council in the fight against impunity, and to submit a report on those developments every three months;

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

**Further developments.** Despite slippages in the electoral calendar, there was some progress at the end of the year in the preparation for the referendum on the constitution and elections [S/2005/149]. Voter registration commenced on 20 November and lasted until the end of the month, with extensive logistical support mobilized by ONUB, including transport of registration and electoral materials to all 17 provinces. In total, 3,134,116 Burundians registered to vote, estimated to represent, by province, from 60 to 90 per cent of those eligible.

The Implementation Monitoring Committee, at its twenty-fourth session (17 December), called on the Government to finalize an electoral code and communal law and to collaborate on issues of military rank harmonization within the context of the overall security sector reform/demobilization, disarmament and reintegration programme. On 2 December, President Ndizeye launched the disarmament and demobilization process in Muramvya, and on 31 December, signed a decree consolidating the combatants of the six armed political parties and movements located in the 12 pre-disarmament assembly areas into five cantonment sites, which paved the way for the transformation and subsequent registration of the armed political parties and movements.
Ad Hoc Advisory Group. The Economic and Social Council’s Ad Hoc Advisory Group on Burundi, established in 2003 to examine the humanitarian and economic needs of the country, issued a report in February [S/2004/11] and made recommendations in April [S/2004/266] on action to be taken by both the Economic and Social Council and the Security Council. After considering the reports, the Economic and Social Council took action on those aspects of the situation in Burundi in resolution 2004/2 of 3 May (see p. 933) and resolution 2004/60 of 23 July (see p. 934).

ONUB financing

The Secretary-General, pending the submission of a full budget for the maintenance of ONUB, submitted on 24 May [A/58/802] an interim budget for the period from 21 April to 30 June and from 1 July to 31 December, which reflected the preliminary financial requirements of $58,421,400 and $145,267,500, respectively.

ACABQ, on 24 May [A/58/381], recommended that the Assembly approve a total commitment authority of $156,043,900 to be assessed for ONUB, which included commitment authority in the amount of $49,709,300, inclusive of an amount of $49,491,200 it had already authorized, for the period 21 April to 30 June, and the amount of $106,334,600 for the period from July to October.

GENERAL ASSEMBLY ACTION (June)

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/833], adopted resolution 58/312 without vote [agenda item 170].

Financing of the United Nations Operation in Burundi

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Operation in Burundi and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1545(2004) of 21 May 2004, by which the Council authorized, for an initial period of six months as from 1 June 2004, with the intention to renew it for further periods, the deployment of a peacekeeping operation called the United Nations Operation in Burundi,

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

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in its resolutions 1874(S-IV) of 27 June 1965, 310(XVIII) of 11 December 1973 and 52/235 of 23 December 2000,

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

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

2. 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;

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

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

5. 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 Operation;

6. 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;

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

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

Budget estimates for the period from 21 April to 31 October 2004

9. Authorizes the Secretary-General to establish a special account for the United Nations Operation in Burundi for the purpose of accounting for the income received and expenditure incurred in respect of the Operation;

10. Also authorizes the Secretary-General to enter into commitments for the Operation for the period from 21 April to 31 October 2004 in a total amount not exceeding $156,043,900 United States dollars, comprising the amount of $49,709,300 dollars for the period from 21 April to 30 June 2004 for the establishment of the Operation, inclusive of the amount of $49,491,200 dollars previously authorized by the Advisory Committee for the period from 21 April to 30 June 2004 under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994, and the amount of $106,334,600 dollars for the period from 1 July to 31 October 2004 for the maintenance of the Operation;

Financing of the commitment authority

11. Decides to apportion among Member States the total amount of $156,043,900 dollars, comprising the amount of $49,709,300 dollars for the period from 21 April to 30 June 2004 and the amount of $106,334,600 dollars for the period from 1 July to 31 Oc-
Recalling also its resolution 58/312 of 18 June 2004 on the financing of the Operation,
Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-V) of 27 June 1963, 310(XXVIII) of 11 December 1973 and 55/255 of 23 December 2000,
Mindful of the fact that it is essential to provide the Operation with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,
1. Takes note of the status of contributions to the United Nations Operation in Burundi as at 30 September 2004, including the contributions outstanding in the amount of 100.3 million United States dollars, representing some 65 per cent of the total assessed contributions, notes with concern that only twenty-seven 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 Operation 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 Operation;
8. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;
9. Authorizes the Secretary-General to fill the following posts at appropriate grades until 30 June 2005: Director in the Office of the Special Representative of the Secretary-General;
Political Affairs Officer in the Office of the Special Representative of the Secretary-General;
Protocol Officer in the Office of the Special Representative of the Secretary-General;
Political Affairs Officer in the Office of the Principal Deputy Special Representative of the Secretary-General;
Administrative Assistant in the Office of the Principal Deputy Special Representative of the Secretary-General;
Deputy Special Representative of the Secretary-General (Humanitarian and Development Coordination);
Special Assistant to the Deputy Special Representative of the Secretary-General;
Principal Legal Adviser;
Chief of the Communications and Public Information Office;
Spokesperson;
and requests the Secretary-General to re-justify these posts in his next budget with additional information on appropriate grades;
10. Requests the Secretary-General to take all necessary action to ensure that the mission is administered with a maximum of efficiency and economy;
11. Requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Operation against General Service posts, commensurate with the requirements of the Operation;

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

12. Decides to appropriate to the Special Account for the United Nations Operation in Burundi the amount of 329,714,400 dollars for the maintenance of the Operation for the period from 1 July 2004 to 30 June 2005, inclusive of the amount of 106,334,600 dollars previously authorized by the General Assembly under the terms of its resolution 58/312 for the period from 1 July to 31 October 2004;

Financing of the appropriation

13. Decides, taking into account the amount of 106,334,600 dollars already apportioned by the General Assembly for the period from 1 July to 31 October 2004 under the terms of its resolution 58/312, to apportion among Member States the additional amount of 316,379,800 dollars for the period from 1 July to 30 November 2004, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2004 and updated in its resolution 58/256 of 23 December 2005, taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B of 23 December 2003;

14. Decides also that, in accordance with the provisions of its resolution 975(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of 3,109,775 dollars, representing the estimated additional staff assessment income approved for the Operation for the period from 1 December 2004 to 30 June 2005;

15. Decides further to apportion among Member States the amount of 192,333,400 dollars at a monthly rate of 27,476,200 dollars for the maintenance of the Operation for the period from 1 December 2004 to 30 June 2005, in accordance with the scheme set out in paragraph 13 above and taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Operation;

16. Decides that, in accordance with the provisions of its resolution 975(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of 3,109,775 dollars, representing the staff assessment income approved for the Operation for the period from 1 December 2004 to 30 June 2005;

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 Operation;

19. Invites voluntary contributions to the Operation 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, peacekeepers in the DRC, had emboldened its opponents.

The year 2004 marked the tenth anniversary of the 1994 genocide in Rwanda, for which the General Assembly held a solemn commemoration.

Military situation

Rwanda, on 30 November [S/2004/933], informed the Security Council of the continued violation of its sovereignty and territorial integrity by forces operating from the DRC with relative impunity. Despite Council action, the ex-FAR/Interahamwe forces continued to operate from, and receive supplies in, the territory of another State and to recruit and train troops. Eastern DRC had become a recruiting ground and crucible for the ideology of hate, destruction and extermination in the region. Over the previous three months, those forces had carried out a series of attacks on Rwandan territory, killing people and destroying property. Intending to complete the genocide of 1994 [YUN 1994, p. 282], the forces had
also targeted infrastructure vital for Rwanda’s economy. Recalling recent incidents, including the attack at Gatumba (see p. 149), Rwanda deplored the international community’s lack of reaction, which it claimed had encouraged those groups. Rwanda believed that MONUC should focus on disarming them, as failure to do so would increase tension in the region and undermine the transitional processes in the DRC and Burundi. Rwanda stated that the problem of the genocidal forces was a matter for the Council to resolve. Since all options for resolving the situation had been rejected by the DRC, Rwanda could not stand by and see its people attacked, its infrastructure destroyed and destabilization continue. Having lost one million of its citizens in 1994, Rwanda had a responsibility to protect and defend its people.

The Secretary-General, in a 2 December statement released by his Spokesman [SG/SM/9631-AFR/1076], said that he was disturbed by the increasing tension between the DRC and Rwanda, particularly by indications of military operations on DRC territory against ex-FAR/Interahamwe elements, which Rwanda maintained was a threat to its security. He called on Rwanda to refrain from any military action on DRC territory, which would disrupt the transitional process in that country, and to work within the established process for disarming and repatriating the remaining ex-FAR/Interahamwe elements still in DRC territory. The Secretary-General called on the DRC to intensify its efforts to disarm and repatriate such elements, and indicated that MONUC was prepared to activate the Joint Verification Mechanism for disarming and repatriating those groups.

The Council, in presidential statement S/PRST/2004/45 (see p. 133), expressed concern at reports of military operations by the Rwandan army in eastern DRC and demanded that Rwanda withdraw without delay any forces it might have in the DRC. The Council noted that the presence of ex-FAR and Interahamwe elements in eastern DRC was a source of instability.

Tenth anniversary of 1994 genocide

In 2004, several events were organized at the United Nations to mark the tenth anniversary of the 1994 genocide in Rwanda [YUN 1994, p. 282]. Canada and Rwanda organized the Memorial Conference on the Rwanda Genocide (New York, 26 March). The Secretary-General, in his address, said that the international community had failed Rwanda. However, the United Nations was currently helping the people to recover and reconcile. It was clearing mines, repatriating refugees, rehabilitating clinics and schools, and building up the judicial system, among other things, while the United Nations International Criminal Tribunal for Rwanda continued to pursue the perpetrators of the genocide (see p. 1286). The genocide in Rwanda had raised questions that affected all mankind, and the question remained as to whether, confronted by a new Rwanda situation, the response would be effective and timely.

General Assembly commemorative meeting

The General Assembly, having designated 7 April as the International Day of Reflection on the 1994 Genocide in Rwanda in resolution 58/234 [YUN 2003, p. 154], held a commemorative meeting [meeting 82] that day in New York to mark the tenth anniversary of that tragedy. The meeting was addressed by the Presidents of the General Assembly and the Security Council, the Vice-President of the Economic and Social Council, Rwandan President Paul Kagame, the Deputy-Secretary-General and Jacqueline Murekatete, a survivor of the genocide.

The Assembly President, in his statement, said that the Assembly shared the hopes and aspirations of the Government and people of Rwanda in seeking to heal and rebuild a democratic nation, with an overarching vision of economic and social progress for all. The tragedy afforded the United Nations the opportunity to confront the issues that could lead to such situations, determine its own shortcomings in Rwanda and consider what remained to be done to prevent genocide in future years. For his part, the Secretary-General suggested areas for future activities to prevent genocide.

On 8 April [S/2004/30], the EU said that the anniversary was an occasion for reflection by the international community. It was heartened by UN efforts to forewarn the world against future genocide and supported the Secretary-General’s proposals to prevent genocide, in particular his decision to appoint a Special Adviser on the Prevention of Genocide (see p. 730). The EU pledged to support Rwanda’s recovery.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 71], the General Assembly adopted resolution 59/137 (draft: A/59/L.45 & Add.1) without vote [agenda item 39 (a)].

Assistance to survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence

The General Assembly, Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,
Recalling the findings and recommendations of the independent inquiry commissioned by the Secretary-General, with the approval of the Security Council,
into the actions of the United Nations during the 1994 genocide in Rwanda.

Recalling also the report containing the findings and recommendations of the International Panel of Eminent Personalities commissioned by the Organization of African Unity to investigate the genocide in Rwanda and the surrounding events, entitled "Rwanda: The Preventable Genocide",

Recalling further its resolution 58/234 of 23 December 2003, by which it declared 7 April 2004 the International Day of Reflection on the Genocide in Rwanda,

Noting decision EX.CL/Dec.154(V) on the report of the Chairperson of the African Union on the commemoration of the tenth anniversary of the Rwandan genocide, adopted by the Executive Council of the African Union at its fifth ordinary session, held in Addis Ababa from 30 June to 3 July 2004,

Recognizing the numerous difficulties faced by survivors of the 1994 genocide in Rwanda, particularly the many victims of sexual violence, including HIV-positive victims, trauma and psychological counselling for genocide survivors and other vulnerable groups in Rwanda,

Commemding the tremendous efforts of the Government and people of Rwanda and civil society organizations, as well as international efforts, to provide support for restoring the dignity of the survivors, including the allocation by the Government of Rwanda of 5 per cent of its national budget every year to support genocide survivors,

1. Requests the Secretary-General to encourage the relevant agencies, funds and programmes of the United Nations system to continue to work with the Government of Rwanda in developing and implementing programmes aimed at supporting vulnerable groups that continue to suffer from the effects of the 1994 genocide, in alleviating poverty, disease and suffering and in promoting development in Rwanda;

2. Invites the relevant agencies, funds and programmes of the United Nations system to ensure that assistance is provided in the specific areas identified as priorities by the Government of Rwanda, notably education for orphans, medical care and treatment for victims of sexual violence, including HIV-positive victims, trauma and psychological counselling for genocide survivors and skills training and microcredit programmes aimed at promoting self-sufficiency and alleviating poverty;

3. Invites agencies, funds and programmes of the United Nations system to continue to develop and implement those programmes, utilizing existing resources and encouraging the mobilization of additional voluntary contributions;

4. Encourages all Member States to seriously consider promoting the implementation of the recommendations contained in the report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda, and also encourages all Member States to provide assistance to genocide survivors and other vulnerable groups in Rwanda in support of the present resolution;

5. Expresses its appreciation for development assistance and support for the reconstruction and rehabilitation of Rwanda after the 1994 genocide, and calls upon Member States to continue to support the development of Rwanda, inter alia, through programmes under the poverty reduction strategy;

6. Requests the Secretary-General, in view of the critical situation of the survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence, to take all necessary and practicable measures for the implementation of the present resolution, and to report thereon to the General Assembly at its sixtieth session.

Arms embargo

On 19 February [S/2004/134], the Security Council Committee established pursuant to resolution 918(1994) [YUN 1994, p. 285] concerning the arms embargo against Rwanda issued a report covering its activities from 1 January to 31 December 2003. In the absence of a specific monitoring mechanism to ensure implementation of the arms embargo, the Committee repeated its previous observation [YUN 2002, p. 142] that it relied solely on the cooperation of States and organizations in a position to provide information on violations of the arms embargo. During the reporting period, no violations were brought to the Committee’s attention.

Central African Republic

The United Nations Peace-building Support Office in the Central African Republic (BONUCA), established by Security Council presidential statement S/PRST/2000/5 [YUN 2000, p. 162], continued in 2004 to support the Government’s efforts to return to stability and achieve reconciliation and reconstruction, following the 2003 coup d’etat [YUN 2003, p. 156]. The political situation in the country was marked by progress towards elections, scheduled for early 2005, which were designed to restore constitutional order. The transitional Government, established in 2003 [YUN 2003, p. 156], adopted a schedule for elections and considered a draft constitution, electoral code and laws on political parties. The draft constitution was approved by the people of the Central African Republic in a referendum on 5 December and work continued on the draft legislation.

However, the security situation remained precarious, with acts of violence, including summary executions, armed robbery and roadblocks continuing to occur, despite the deployment of defence and security detachments backed by the Central African Economic and Monetary Community (CEMAC) multinational force. There was concern over the possible consequences to the Central African Republic of the crises in the sub-
The political situation during the period was marked by the launching of the electoral process with a view to restoring constitutional legality and the rule of law in 2005. The transitional Government adopted a schedule for the elections and a timeline, which it forwarded to the Security Council on 10 February (see above). The transitional Government transmitted to NTC for its views the draft constitution, the electoral code and ordinances on political parties and the status of the opposition, and on the constitutional court and decentralization. The draft constitution was based on the 1995 Constitution, suspended since the coup d’état of March 2003, and on the recommendations of the national dialogue. The document would be submitted to the people for approval by a referendum in November 2004, followed by legislative and presidential elections in early 2005.

On 30 April, the head of State established the Mixed and Independent Electoral Commission (CEMI) to make preparations for and conduct the elections and ensure implementation of the Electoral Code. Political parties expressed concern over CEMI’s independence and integrity. BONUCA established a framework for political consultations with foreign partners who supported the electoral process and the UN system, and UNDP established a technical advisory committee under its project of support to the electoral process. BONUCA also worked to defuse tensions through mediation and good offices with political parties, civil society, trade unions and public authorities, and with the transitional authorities in drafting legal texts.

The Central African authorities remained concerned about the security situation. The lack of security was most evident in the rural areas, where the civilian population was vulnerable to attacks, especially by “former liberators” who assisted General François Bozizé during the 2003 coup d’état. They severely tested the Government, demanding “bonuses promised” in return for their support of the rebellion and holding demonstrations that led to confrontations with the regular forces. Negotiations with the parties, including the Secretary-General’s Representative, led to a solution to the problem of the former liberators, but it was uncertain whether the settlement was definitive.

The process of restructuring the defence and security forces was continuing, as was military training and equipping. In the area of sub-regional security cooperation, NTC authorized the ratification of the Protocol to the Treaty establishing the Economic Community of Central African States (ECCAS) on the Council for Peace and Security in Central Africa, adopted in Malabo, Equatorial Guinea, in February 2000. The Government was also pursuing disarmament, particularly in Bangui, and had approved a project for the reintegration of former combatants and support to communities. BONUCA and UNDP were assisting the Government in implementing the project.

The economic situation was characterized by a continued decline in production in most sectors, in particular in timber and diamonds due to the Government’s temporary suspension of concessions and operating permits, pending their over-
haul. Consequently, tax revenue declined by 30 per cent. The poverty and vulnerability of the population remained a major concern. Despite the prevailing insecurity, operational agencies of the UN system, in particular UNICEF, WHO, UNDP, WFP, UNHCR and FAO, concentrated on humanitarian activities and on active participation in the implementation of emergency programmes. The agencies adopted a development assistance framework for the Central African Republic, highlighting good governance, socioeconomic recovery and prevention of HIV/AIDS, which depended on support from the donor community and the availability of additional resources. Despite the difficulties, the overall economic situation was improving, mainly as a result of the gradual resumption of mining and forestry production.

The human rights situation was also improving slowly. General Bozizé appointed a special adviser responsible for human rights and good governance, and the Government established a national committee to draft reports on the human rights situation and formulate a national plan of action for promoting and protecting human rights. BONUCA continued its observation and investigation of human rights violations, meeting victims and visiting detention centres, organizing training of law enforcement officers and providing media coverage of human rights activities.

According to the Secretary-General, the fact that the parties were opting for management by consensus of the transition with a view to a return to constitutional order through legislative and presidential elections in 2005 offered hope for a return to stability. Assistance was urgently needed to consolidate the achievements made and to build confidence. He noted the geo-strategic position of the Central African Republic and the possible humanitarian and security impact of the conflict in the Sudanese region of Darfur. If that crisis persisted, he warned, Sudanese refugees living in camps near the Chad-Central African Republic border would be pushed towards the Central African Republic. He welcomed the recent decision of the International Monetary Fund (IMF), the World Bank and the African Development Bank to support the efforts of the Central African authorities.

**UN Standing Advisory Committee consideration.** The United Nations Standing Advisory Committee on Security Questions in Central Africa, at its twenty-first meeting (21-25 June), welcomed the efforts of the transitional Government to implement the recommendations of the 2003 national dialogue and the current political consensus in the country. It expressed concern about the precarious economic and security situation, improvement of which would make it easier to meet the various electoral deadlines and consolidate the positive political developments. The Committee appealed to donors and international financial institutions to provide the Central African Republic with the necessary support; to CEMAC to strengthen efforts to ensure security in the country, particularly in disarmament and the restructuring of the defence and security forces; and to the ECCAS General Secretariat to become actively involved with the electoral process.

**Press statement (7 July).** Security Council members, in a 7 July press statement by its President [SC/842/AFR/992], noted the positive evolution of the political situation and progress in the economic and financial fields in the Central African Republic. They welcomed the establishment of CEMI as an important step towards the restoration of constitutional legality and encouraged the Central African authorities to maintain efforts to organize free, transparent and democratic elections in 2005. Members expressed concern regarding the possible consequences to the Central African Republic of the crisis in the subregion, in particular the crisis in Darfur (see p. 235).

**Extension of BONUCA’s mandate.** The Secretary-General, on 18 October [S/2004/874], informed the Security Council of his intention to extend BONUCA’s mandate for an additional year, until 31 December 2005. The extension would enable the Office to support efforts to restore constitutional legality and help to create a propitious political environment for holding elections. In addition, he had asked BONUCA to assess developments in neighbouring countries on the situation in the Central African Republic and vice versa. On 28 October [S/2004/875], the Council took note of the proposal.

**SECURITY COUNCIL ACTION**

On 28 October [meeting 5067], following consultations among Security Council members, the President made statement S/PRST/2004/39 on behalf of the Council:

The Security Council commends the Central African authorities, the political parties and civil society of the Central African Republic for the efforts they have made for the ongoing success of the transition process. The Council welcomes in particular the spirit of consensus which the Central African parties have shown and which attests to their determination to continue the transition process to the end.

The Council encourages the Central Africans to continue their efforts to ensure the success of the constitutional referendum in November and the satisfactory organization of free, transparent and dem-
The agricultural sector continued to be affected by the poor economic performance of 2002 and 2003, despite the considerable efforts made by the member States of the Central African Economic and Monetary Community in the political, economic and security fields.

The Council reiterates its full support for the Central African Economic and Monetary Community, and calls upon the international community to continue to provide resolute support to the Central African Republic, including on the preparation of the upcoming legislative and presidential elections. It also emphasizes that their support will be essential for the country’s economic and social recovery, and encourages them to formulate, in close consultation with relevant development agencies and with the Government of the Central African Republic, a concerted development strategy for the country.

However, the Council expresses its concern at the deterioration of the State’s finances and of the public sector, and calls upon the Central African authorities to act with determination in order to address this situation.

The Council reiterates its full support for the Central African Economic and Monetary Community multinational force, and calls for the continuation of the restructuring of the Central African Republic’s defence and security forces.

The Council also encourages the Central African authorities to continue to combat, with determination, human rights violations.

The Council again expresses its concern at the possible consequences to the Central African Republic of the crises in the subregion. Accordingly, it welcomes with satisfaction the Secretary-General’s initiative in asking the United Nations Peacebuilding Support Office in the Central African Republic to assess the implications of developments in neighbouring countries on the situation in Central African Republic and vice versa.

**Report of Secretary-General (December).** On 23 December [8/2004/1022], the Secretary-General, reporting on the situation in the Central African Republic and BONUCA activities, said that the electoral process for the holding of general elections continued, supported by the Committee of Foreign Partners to Follow Up on the Electoral Process (China, France, Germany, the EU, UN system agencies, and the CEMAC Executive Secretariat and Force Commander). NTC, at its second session, which closed on 15 July, amended the draft constitution and the draft electoral code, and transmitted them to the Government for adoption. The amendments concerned, among other things, the type of regime to be adopted, the powers of the Prime Minister, the length of the presidential term of office, the conditions for eligibility to the legislature and the presidency, and the conditions for establishing the criminal liability of the head of State. The head of State initialled and distributed the draft constitution and signed and enacted the ordinance on the electoral code.

NTC, at its third session (16 August–1 October), adopted the draft ordinance on political parties and the status of the opposition. National Councillors separately considered the draft constitution, and, with BONUCA’s assistance, resolved discrepancies with respect to amendments made in accordance with the recommendations of the 2003 national dialogue. The Government amended the ordinance on the electoral code, modified the draft constitution and enacted it by decree. The draft constitution was approved by the people of the Central African Republic in a referendum on 5 December.

At its fourth session (8–26 November), NTC adopted draft ordinances on the establishment, organization and functioning of the transitional constitutional court, on the establishment of a commission to oversee freedom of the press (Haut Conseil de la communication) and on freedom of the press, all of which were submitted to the Government for adoption.

On 23 August, CEMI set up, in partnership with BONUCA and NTC, a committee of experts to develop an interpretation of the electoral code and measures for applying it to the election dates. An electoral census was carried out from 16 to 24 October. A total of 4,020 voting stations were set up within the country and abroad for 1,400,882 registered voters.

The overall security situation remained precarious. Acts of violence and summary executions attributable to law enforcement forces and robbery and roadblocks by armed groups continued to occur. On 14 September, a National Commission for Disarmament, Demobilization and Reintegration was established.

The economic and social situation continued to be affected by the poor economic performances of 2002 and 2003, despite the commitments and adjustments made by the Government in agreement with the Bretton Woods institutions (the World Bank Group and IMF) to gradually restore security throughout the country, reduce State spending and combat bad governance and impunity. Personal income and State revenue declined, while earnings growth remained weak. The agricultural sector continued to be affected...
by the fall in world coffee and cotton prices. Public expenditure fell as a result of the authorities’ commitments to cut State spending. Civil servants and State officials reported that they would be owed salary arrears for five months by the end of 2004.

The humanitarian situation remained precarious, and the poor condition of roads and the prevailing insecurity made it difficult for humanitarian organizations to reach vulnerable population groups. There were around 200,000 displaced persons in the Central African Republic at the end of 2004 and almost 30,000 Central African refugees in Goré, Chad, following the events of 15 March 2003 [YUN 2003, p. 156]. The Central African Republic was hosting almost 46,000 people of Sudanese, Chadian, DRC, Rwandan and Burundian origin. A repatriation operation for DRC refugees living in the Central African Republic began in October.

The Secretary-General determined that the situation in the Central African Republic was gradually improving in spite of shortcomings in governance and human rights. The programmes adopted in August by IMF and the World Bank sent a signal to the authorities to continue their efforts to raise tax revenues. Meanwhile, election preparations were proceeding on schedule, and on 11 December General Bozizé announced his candidacy for president. The compromise achieved with regard to the draft constitution and the draft electoral code significantly improved relations between the Government and NTC, giving rise to new hope for a favourable outcome to the transition, as demonstrated by the smooth holding of the constitutional referendum on 5 December. The Secretary-General encouraged the donor community and friends of the Central African Republic to provide material, financial and technical resources to ensure a lasting consolidation of its institutions.

**Other matters.** The Central African Republic, by a 4 March letter [S/2004/105], informed the Secretary-General that General Bozizé had agreed to receive and welcome the Haitian President, Jean-Bertrand Aristide, as a purely humanitarian act. (See PART ONE, Chapter II, for more information.)

**West Africa**

In 2004, the countries in conflict in West Africa recorded modest progress in their search for peace and a return to stability, with the exception of Côte d’Ivoire, where tension remained high. In March, the Security Council expressed concern about the continuing instability in the region, called for a comprehensive and composite approach to durable solutions to the crises and conflicts that would address the root causes, and considered means to promote peace and security. In that regard, the Council sent a fact-finding mission to the region in June to, among other tasks, identify a coherent UN intervention strategy. The mission made a number of recommendations for addressing the complex problems facing the region and the countries involved, stressing the need for a collective approach and support of the efforts of the Economic Community of West African States (ECOWAS).

In further efforts to promote a regional approach to addressing the serious challenges to peace and security facing West Africa, the Security Council met in March to consider the Secretary-General’s report and recommendations for combating subregional and cross-border problems. The Council adopted many of the Secretary-General’s recommendations, particularly those relating to the plight of child soldiers and the use and proliferation of mercenaries and small arms, within the context of a regional approach. Other recommendations dealt with disarmament and reintegation of ex-combatants, security sector reform, good governance, halting human rights and humanitarian abuses, and an international presence in post-conflict countries. The Secretary-General also submitted to the Council an assessment of the role and performance of the United Nations Office for West Africa (UNOWA) in promoting regional solutions to cross-border and regional problems and conflict prevention.

In Côte d’Ivoire, progress in implementing the 2003 Linas-Marcoussis Agreement was stymied by the disagreements among the political parties over the delegation of powers in the Government of National Reconciliation and their refusal to lay down their arms. In February, the Security Council established the United Nations Operation in Côte d’Ivoire (UNOCI), thereby expanding the UN presence in the country. A demonstration in March led to violent clashes in Abidjan between the Ivorian security forces and demonstrators and led to the withdrawal of opposition forces from the Government. After months of political stalemate, the parties signed the Accra III Agreement on reactivating the peace process and on means for implementing the Linas-Marcoussis Agreement. However, little progress followed, and hostilities erupted again in November when government forces attacked rebels’ strongholds in the north, crossing the Zone of Confidence, a belt across the middle of the country controlled.
by UNOCI. The Council imposed an arms embargo and adopted other sanctions on Côte d'Ivoire. To get the peace process back on track, mediation efforts were led by President Thabo Mbeki of South Africa, which resulted in the parties' agreement in December on a plan of action for advancing the peace process. By the end of the year, tensions in the capital, Abidjan, and the rest of the country had decreased and significant progress was made in fulfilling all outstanding requirements under the Linas-Marcoussis Agreement.

Both Liberia and Sierra Leone experienced positive movement in efforts to stabilize their respective political situations. In Liberia, concerted efforts were made to implement the 2003 Comprehensive Peace Agreement, the framework for the establishment of the National Transitional Government and the end of civil strife. The United Nations Mission in Liberia (UNMIL), established in 2003, monitored the ceasefire, assisted in disarming combatants and facilitated the delivery of humanitarian aid. The deployment of the Mission's troops throughout the country in 2004 brought relative calm and security that permitted progress towards the restoration of State authority. The disarmament and demobilization of the armed forces were completed in October and resettlement of displaced persons commenced. The Government continued to encounter difficulties in delivering basic services, extending civil administration throughout the country and establishing electoral procedures. The outbreak of violence in Monrovia in late October was a reminder of the fragility of the peace process.

Sierra Leone was able to consolidate its stability in 2004, implementing most of the provisions of the 2000 Agreement on the Ceasefire and Cessation of Hostilities (Abuja Agreement). That progress and fulfilment of the benchmarks for the drawdown of the United Nations Mission in Sierra Leone (UNAMSIL) created the conditions for the reduction of the Mission from 11,500 troops at the beginning of the year to 5,000. Meanwhile, Sierra Leone continued efforts to enhance the capacity of its armed forces and police to enable them to ensure security and stability. The disarmament, demobilization and reintegration programme was formally closed on 31 March, with more than 54,000 ex-combatants having received benefits. Local elections were held in May for the first time in 32 years. The Truth and Reconciliation Commission released its final report to the public, and the Special Court for Sierra Leone continued to try those accused of serious human rights abuses and crimes against humanity during the 10 years of civil war.

In view of the progress achieved, the Security Council, in September, redefined the UNAMSIL mandate. As the country remained generally calm, UNAMSIL proceeded with its drawdown and transferred responsibility for national security to the Government of Sierra Leone. Guinea-Bissau was also successful in implementing the terms of its peace framework, the 2003 Political Transition Charter. The main achievements in 2004 were the holding of legislative elections in March and the formation of a new Government in May, the resumption by some governmental institutions of their functions and the start of preparations for presidential elections in April 2005. The United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS) continued to support the Government in the peace process and to promote social and economic development, which remained in a critical socio-economic situation. Progress in implementing the Political Transition Charter was halted temporarily by a military mutiny in October; however, the situation was ameliorated when the Government, having received international assistance and adopted fiscal reforms, was able to satisfy one of the grievances that led to the march, paying the salary arrears of the armed forces and civil services. Presidential elections were scheduled for 2005 and efforts were made to restructure the security sector. To assist the Government in those efforts, the Security Council in December extended the UNOGBIS mandate and expanded its responsibilities.

Cameroon and Nigeria took steps in 2004 to resolve their border issues, with UN assistance, mainly through the Cameroon-Nigeria Mixed Commission. The Commission, established by the Secretary-General following the 2002 ruling of the International Court of Justice on the land and maritime boundary between the two countries, began work on the delimitation of the land and maritime borders.

Regional issues

Threats to peace and security

Report of Secretary-General. The Secretary-General, on 12 March [S/2004/200], reported on ways to combat subregional and cross-border problems in West Africa, as requested by the Security Council in presidential statement S/PRST/2003/11 [YUN 2003, p. 178]. The Secretary-General noted that, while the three cross-border problems of child soldiers, mercenaries and small arms were important contributory causes of conflict in West Africa, their relationship with the instability was primarily symptomatic, not causal.
Based on extensive consultations by his Special Representative for West Africa within the UN system and in the subregion, he made recommendations to address the cross-border problems, in the areas of improving UN harmonization, ratification and observance of existing conventions, collaboration in the Mano River Union (MRU) area, strengthening the ECOWAS secretariat and implementing the 1998 ECOWAS moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa, supporting national commissions, disarmament, demobilization and reintegration programmes, security sector reform, reducing extortion at roadblocks within and between countries, strengthening civil society participation and awareness-raising, and “naming and shaming” small arms exporters and private security companies.

To improve harmonization among the UN actors active in West Africa, the Secretary-General suggested that his Special Representative for West Africa organize meetings among the senior staff of the UN political and peacekeeping missions in the region, and the regional heads of UN agencies and programmes, with the participation of senior ECOWAS officials and civil society representatives. He called on regional Governments to ratify and observe existing conventions on small arms, and to adopt policies against the recruitment of child soldiers and mercenaries. ECOWAS and the United Nations, with the MRU countries (Guinea, Liberia, Sierra Leone), should explore ways of enhancing international attention to the priority cross-border problems, including the convening of an international conference on assistance to that region. MRU States and Côte d’Ivoire, with UN and other assistance, should initiate joint security patrols and common border management. ECOWAS should reinforce its four observation and monitoring zones to gather more information on cross-border problems, authorize information-sharing and set up a database of individuals and groups suspected of trafficking in small arms, mercenaries and child soldiers. It should also adopt a legally binding instrument to complement the work done so far under its 1998 moratorium, due to expire in 2004, including a ban on mercenaries; harmonize national legislation and common penalties; and begin work on a regional arms register. ECOWAS should also support the strengthening of national arms control commissions. A register of arms held by the military and security agencies should be maintained.

In the area of disarmament, demobilization and reintegration, the lessons learned in Mali and Sierra Leone should be applied in other areas in West Africa, and UNOWA and UN missions in Côte d’Ivoire, Liberia and Sierra Leone should collaborate regarding a true disarmament, demobilization and reintegration process. Development projects should be made contingent on the collection of arms, and disarmament, demobilization and reintegration programmes should contain specific elements for child and women combatants. Security sector reform could be improved, including in human rights and humanitarian law, and by convening a meeting of defence and interior ministers. The capacity of frontier services should also be strengthened. To reduce extortion at roadblocks, ECOWAS members should abide by their commitments to free passage for people and goods and reduce illegitimate checkpoints.

To halt human rights and humanitarian abuses, the Secretary-General called for further concerted pressure, including international sanctions, against the recruiters of children and mercenaries, as well as commercial companies and individuals involved in such recruitment and which exported small arms to the subregion. Among other measures to control small arms, he proposed that exporting countries should force manufacturers to inscribe indelible serial numbers on weapons and importing countries should strengthen licensing procedures.

The Secretary-General said that addressing the cross-border regional issues identified by the Council in a comprehensive manner required a fundamental change in the political approach. The regional and international communities should help Governments by providing targeted assistance and ensuring that international standards were respected, and by responding at an earlier stage to governance and humanitarian crises. The international community should also maintain a robust presence in post-conflict countries to prevent regression into conflict and to promote good governance and peace-building. The Secretary-General hoped that Council members would explore ways to enhance the ECOWAS capacity to address cross-border regional issues, support the activities of civil society organizations, including women’s associations, and identify specific recommendations from among those in his report for further action.

**Security Council consideration.** At the Security Council’s 25 March meeting [meeting 4933] to consider cross-border issues in West Africa, the Secretary-General said that ECOWAS had taken important initiatives to tackle the serious challenges to peace and security in West Africa, demonstrating the resolve of Africans to settle African problems in cooperation with the international community. The recommendations in his report could not be implemented solely on a country-by-country basis
but required a multifaceted regional approach. Special attention should be paid to the proliferation of small arms, the illegal exploitation of natural resources and the use of child soldiers and mercenaries, as well as roadblocks. To build on his report on the subject (see p. 165), he had asked his Special Representative for West Africa to convene a meeting to explore how ECOWAS and the relevant UN entities could best move ahead.

The ECOWAS Chairman (Ghana) said that, though the Secretary-General’s recommendations for joint security patrols and common border management were laudable, ECOWAS felt that the best solution was finding a way to restore peace to the entire region. He stated that, with the drawdown of UNAMSIL (see p. 212), there was a need to ensure that the withdrawal took account of the Government’s ability to assume responsibility for overall security, enhance control of natural resources and consolidate civil administration throughout the country. It was also vital that UNAMSIL continue to monitor the movement of armed elements along Liberia’s borders to prevent incursions. UNOWA should be tasked with getting the leaders of Côte d’Ivoire, Sierra Leone and Guinea to stay engaged in the disarmament process and to help UNMIL to monitor the concealment of arms in Liberia’s neighbouring States.

SECURITY COUNCIL ACTION (March)

On 25 March [meeting 4933], following consultations among Security Council members, the President made statement S/PRST/2004/7 on behalf of the Council:

The Security Council, recalling its relevant resolutions and the statements by its President, emphasizes the importance of addressing the continuing factors of instability in West Africa within a regional framework. It recognizes the need for a comprehensive and composite approach for durable solutions to the complex crises and conflicts in West Africa. Such an approach should address the root causes of conflict and consider means to promote sustainable peace and security, including development and economic revival, good governance and political reform.

The Council takes note in this regard of the report of the Secretary-General of 12 March 2004 and its recommendations to address cross-border issues, in particular the plight of child soldiers and the use and proliferation of mercenaries and small arms, within the context of a regional approach. The Council believes action on the report should be taken as part of a wider strategy of conflict prevention, crisis management and post-conflict stabilization in the subregion.

The Council welcomes the principles set out by the African Union and the New Partnership for Africa’s Development which provide an important framework for such action. It encourages the States members of the Economic Community of West African States to ensure that these are fully implemented. It consequently urges the Economic Community of West African States to work closely with the United Nations system, the international financial institutions and other international and regional organizations concerned, including the newly established African Union Peace and Security Council, as well as with interested States, in drafting a regional conflict prevention policy taking fully into account the recommendations of the recent joint United Nations and European Union mission to the region.

The Council stresses the importance of the role of the Special Representative of the Secretary-General for West Africa in facilitating the coordination of a coherent United Nations approach to cross-border and transnational problems in the subregion.

The Council encourages the Special Representative of the Secretary-General for West Africa to continue to hold regular meetings on coordination among the United Nations missions in the region in the interest of improved cohesion and maximum efficiency of United Nations activities in West Africa. It also encourages the greatest possible harmonization among United Nations agencies within countries of the subregion.

The Council requests the Secretary-General to encourage the United Nations missions in West Africa to share information and their logistic and administrative resources as far as possible, without impeding the satisfactory execution of their respective mandates, in order to increase their effectiveness and reduce costs.

The Council expresses its intention to consider the recommendations of the Secretary-General to facilitate cross-border operations and to strengthen cooperation among the United Nations missions in the region, including the possibility of ‘hot pursuit’ operations, joint air patrolling, shared border responsibility, the possible reinforcement of airspace monitoring and joint planning for the repatriation of foreign combatants. It looks forward to receiving, as soon as possible, the recommendations of the Secretary-General, after due consultation with the Governments concerned. It also encourages the States in the subregion to organize common patrols along their respective borders, jointly if need be, with the respective United Nations peacekeeping operations.

The Council invites the Secretary-General and the Economic Community of West African States to take the requisite practical decisions to improve the coordination of the activities of the United Nations and the Economic Community of West African States in West Africa.

The Council stresses the importance of a regional approach in the preparation and implementation of demobilization, disarmament and reintegration programmes. To this end it invites the United Nations missions in West Africa, the Governments concerned, the appropriate financial institutions, international development agencies and donor countries to work together to harmonize individual country demobilization, disarmament and reintegration programmes within an overarching regional strategy to design community development programmes to be implemented alongside demobilization, disarmament and reintegration programmes, and to pay special attention to the specific needs of children in armed conflict.
The Council reiterates the importance of finding durable solutions to the problem of refugees and displaced persons in the subregion, and urges the States in the region to promote necessary conditions for their voluntary and safe return with the support of relevant international organizations and donor countries.

The Council considers that illegal trafficking in arms poses a threat to international peace and security in the region. It, therefore, urges the States members of the Economic Community of West African States to fully implement their moratorium on the import, export and manufacture of light weapons, signed in Abuja on 31 October 1998. It also invites them to study the possibility of strengthening its provisions.

The Council invites the States members of the Economic Community of West African States to take all necessary steps to better combat illegal trafficking in small arms and light weapons in the region, such as the establishment of a regional register of small arms and light weapons. The Council calls on donor countries to help the member States implement these steps.

The Council urges all States, in particular those in the region and those with a capacity to export arms, to ensure that arms embargoes are fully implemented in the subregion. It expresses its intention to pay close attention and remain in consultation with the Economic Community of West African States and Member States on steps to stop the illicit flows of arms to conflict zones in the region.

The Council recognizes the need to address both the supply and demand side with regard to private companies selling illegally small arms or security services, and invites the Governments concerned to take appropriate steps to prevent such illegal sales.

The Council recalls the measures it has implemented on the illegal exploitation and trade of diamonds and timber in the subregion, and encourages the Economic Community of West African States and its member States to promote transparent and sustainable exploitation of those resources.

The Council encourages the Economic Community of West African States to publicly identify parties and actors who are shown to engage in illicit trafficking of small arms in the subregion and use mercenaries, and expresses its intention to consider adopting this practice in relation to the conflicts in West Africa.

The Council recalls that the existence of the many illegitimate checkpoints and the practice of extortion at those checkpoints in the region harms the security of civilians and is a major stumbling block to the economic development of all West Africa. It therefore invites the Governments concerned to take the necessary steps to effectively address this impediment to regional economic integration with the support of the international community.

The Council calls upon the States members of the Economic Community of West African States to work together to agree to a coherent approach to the problem of foreign combatants.

The Council calls upon the Mano River Union States to resume dialogue and to consider holding a summit of heads of State and meetings of ministers to develop a common approach to their shared security issues and confidence-building measures.

The Council considers that civil society actors, including the media, have an important role to play in crisis management and conflict prevention in the region and that their efforts in this regard deserve to be actively supported by the regional States, the Economic Community of West African States, the international community and the United Nations system. Increased support should be provided for the media to raise awareness about the plight of child soldiers, the use and proliferation of small arms and the recruitment of mercenaries.

The Council welcomes the consideration being given in the International Contact Group on Liberia to broadening its mandate to the cross-border issues concerning Liberia and its neighbouring countries.

The Council considers reform of the security sector an essential element for peace and stability in West Africa, and urgently calls upon donor countries and the international financial community to coordinate their efforts to support the Economic Community of West African States, in particular its Executive Secretariat, and to assist the States in the subregion in their efforts to reform the security sector.

The Council, in the context of its emphasis on the regional dimension of the problems in West Africa, expresses its intention to keep under review the implementation of the above-mentioned recommendations, and requests the Secretary-General to report on them at the occasion of his regular reports on the United Nations missions in the subregion.

**MRU summit.** The Mano River Union countries, at their summit on 20 May in Conakry, Guinea [S/2004/468], expressed satisfaction at the implementation of the disarmament, demobilization, reintegration and rehabilitation programme, which made possible the voluntary repatriation of Sierra Leonean refugees. The summit considered that all armed individuals conducting destabilizing activities against a legally established Government were to be considered as rebels or mercenaries, and that MRU member States should take legal and security measures to render them harmless. They called on the regional States to establish cooperation and monitoring mechanisms to combat that problem.

**Security Council missions to West Africa**

**Report on 2003 mission**

**Security Council consideration.** On 25 January [meeting 4899], the Security Council considered the progress report of the Secretary-General on its 2003 mission to West Africa [YUN 2003, p. 164]. The Assistant Secretary-General for Political Affairs briefed the Council on developments in the countries visited since the publication of the report. He concluded that, by and large, progress continued to be made in implementing the mission’s recommendations. Having invested so
much already in the subregion in terms of capital and resources, it was important that the Council remain engaged to build upon the progress being made in Guinea-Bissau, Côte d’Ivoire, Liberia and Sierra Leone and address the cross-cutting regional issues relating to peace and security and governance.

2004 mission

On 15 June [S/2004/491], the Security Council President informed the Secretary-General that the Council was sending a mission to West Africa (Ghana, Côte d’Ivoire, Liberia, Sierra Leone, Nigeria, Guinea-Bissau and Guinea), headed by Emlyn Jones Parry (United Kingdom), from 20 to 29 June to, among other tasks, identify a coherent strategy for UN intervention in conflict prevention and peace-building, encourage ECOWAS to implement a subregional conflict prevention strategy, and strengthen UN-ECOWAS-MRU cooperation. Specific tasks were identified for the mission in each of the countries concerned.

In its 2 July report to the Council [S/2004/525], the mission stated that it had focused on the link between security and development, the need to build good governance and respect for human rights as the necessary foundation for lasting peace and prosperity. The region’s borders were so porous and the problems, including the prevalence of small arms, fighters, child soldiers and HIV/AIDS, moved so easily across them that a collective approach was necessary to effect real and lasting change. A collective and integrated UN strategy should encompass the transition from peacekeeping to peace-building and development, including the role of UN peacekeeping operations in helping to create the right socioeconomic conditions for lasting stability. ECOWAS was taking an increasingly active role by mobilizing regional countries to undertake peacekeeping missions; leading conflict resolution initiatives, as in Côte d’Ivoire, Guinea-Bissau and Liberia; and working with UNOWA on a regional conflict prevention strategy. Those efforts were gradually helping to build security and stability in the subregion, which, in turn, would lay the basis for greater economic integration and growth. The mission noted the progress in peace-building in the region in general, but was concerned by the breakdown in the peace process in Côte d’Ivoire.

The mission was gratified to learn about the enlarged programme of collaboration between ECOWAS and UNOWA to address cross-border problems in the subregion. The mission supported the efforts by the EU, UNDP and UNOWA to establish a strategic and operational planning capacity in the office of the ECOWAS Executive Secretary. It also welcomed the ECOWAS and UNOWA initiative to identify ways of preventing military coups and other unconstitutional means of seizing or holding power, as well as mitigating the abuses of power that were usually the root causes of such actions.

The mission called on all parties to cease the use of child soldiers, emphasized the need to reintegrate former child combatants, and welcomed the efforts of the United Nations Children’s Fund (UNICEF) and others to strengthen the ECOWAS Child Protection Unit. It recommended that additional resources be provided rapidly for UNOWA. It underlined the need to include in the regional approach to disarmament, demobilization and reintegration programmes not only those countries emerging from conflict but also those seriously affected by conflicts in neighbouring countries, such as Guinea, Mali and Burkina Faso.

With regard to small arms, the mission called on exporting countries to take action against those transgressing national laws or UN sanctions. The mission called on donors and institutions to provide assistance, particularly transport capacity and logistical assistance to increase the subregion’s peacekeeping capacity. It encouraged ECOWAS, working with UNOWA, to develop a conflict prevention strategy, and recommended that the UN system develop strategies to deal with problems afflicting border regions in order to prevent conflicts from spreading further. Countries should also ensure that border controls curbed unauthorized cross-border movements, and UN peacekeeping operations should pay special attention to the monitoring of border areas.

The mission appealed to donors to increase contributions to humanitarian appeals, and encouraged greater support to West African civil society organizations. To promote job creation and economic opportunity, it recommended that Governments in the region work towards greater accountability and transparency, through such measures as anti-corruption campaigns and policies. Noting the principle of no impunity for serious human rights abuses, the mission urged the Council to take measures at the appropriate time, including the imposition of targeted sanctions against the individuals concerned.

The Council heard an oral briefing by the head of the mission on its visit to West Africa on 30 June [meeting 5000] and considered the mission’s written report on 16 July [meeting 5005].

UNOWA activities

On 4 October [S/2004/797], the Secretary-General transmitted to the Security Council a re-
view of the activities of the United Nations Office for West Africa. The Office, established in 2001 [YUN 2001, p. 162], became operational only in January 2003 in Dakar, Senegal. The review stated that, despite initial administrative and logistical constraints and unforeseen developments in the region, the Office had made considerable progress. It had proved useful in raising public awareness about cross-border and subregional problems, bringing a regional perspective to issues and promoting conflict prevention. It also developed mechanisms and peacekeeping plans of action for enhancing linkages with other UN entities and national and international partners, supported peacemaking efforts, especially in Côte d’Ivoire and Liberia, undertook studies on subregional issues and conducted field missions to assess developments in tension-prone areas. The Secretary-General had also entrusted UNOWA with following up on the implementation of the 2002 decision [YUN 2002, p. 1265] of the International Court of Justice on land and maritime boundaries between Cameroon and Nigeria (see p. 230).

Promoting an integrated regional approach to the complex challenges facing West Africa remained a long-term process requiring sustained interaction between UNOWA and its partners. To that end, the Secretary-General recommended that UNOWA’s mandate be extended for another period of three years, from 1 January 2005 to 31 December 2007, subject to a midterm review in July 2006. He intended to strengthen UNOWA, as called for by the Council’s mission to West Africa (see p. 169).

**Côte d’Ivoire**

Concerted efforts by the United Nations, ECOWAS and the international community continued in 2004 to help facilitate a return to peace and stability in Côte d’Ivoire through implementation of the 2003 Linas-Marcoussis Agreement [YUN 2003, p. 166], including providing assistance to the Government of National Reconciliation of Côte d’Ivoire, established under that Agreement. The main responsibility for peacekeeping rested with the Licorne (French forces) and the ECOWAS Mission in Côte d’Ivoire (ECOMICI), whose deployment was endorsed by the Security Council in resolution 1464(2003) [ibid., p. 168]. Forces from both entities were deployed along the Zone of Confidence separating the Government-controlled south of the country from the north, controlled by the rebel movement Forces nouvelles. Those efforts were supported by the United Nations Mission in Côte d’Ivoire (MINUCI), established in May 2003 [YUN 2003, p. 172] to facilitate implementation of the Linas-Marcoussis Agreement, monitor the security situation and complement the ECOWAS and French peacekeeping forces. The mission was headed by the Special Representative of the Secretary-General.

During the year, the Government of National Reconciliation attempted to fulfil its tasks as outlined by the Agreement and to work towards national elections in 2005. However, implementation was hampered by continued disagreements over the delegation of powers. Based on reports of an investigative mission sent to evaluate MINUCI’s progress, the Secretary-General recommended that the United Nations expand its peacekeeping mission. The Security Council established the United Nations Operation in Côte d’Ivoire (UNOCI) in February, with a maximum strength of 6,240 UN military personnel, and requested the Secretary-General to transfer authority from MINUCI and ECOWAS forces to UNOCI. At the same time, the Council authorized the French forces to use all necessary means to support UNOCI. The UN mission’s wide-ranging mandate included responsibilities for monitoring the ceasefire and movements of armed groups; assisting in disarmament, demobilization, reintegration, repatriation and resettlement programmes; protecting UN personnel, institutions and civilians; facilitating humanitarian assistance; supporting implementation of the peace process; contributing to the protection of human rights; promoting the peace process through public information; and assisting the Government in restoring law and order.

The peace process stalled in March, due to rising political tension and lack of progress in implementing the terms of the Linas-Marcoussis Agreement. Some parties refused to lay down their arms, and others either suspended participation in the Government of National Reconciliation or announced their intention to do so. As frustration mounted, demonstrations were held, despite a government ban, resulting in violent clashes in the capital, Abidjan, between the Ivorian security forces and demonstrators. Investigation into the events determined that the excessive use of force was not proportional to the situation.

A series of diplomatic efforts by a number of heads of regional States and others to steer the peace process back on track, including a visit by the Security Council mission to the subregion, resulted in the signing on 30 July of the Accra III Agreement, which committed the parties to a framework for reactivating the peace process and fully implementing the terms of the Linas-Marcoussis Agreement, including resolving the...
issue of eligibility for the presidency, adoption of all legal reforms envisaged under the Linas-Marcoussis Agreement, and agreeing on a clear delegation of powers from the President to the Prime Minister. The Council welcomed the Agreement and urged all parties to implement it in good faith.

However, the parties failed to make much progress in fulfilling the terms of the Agreement in the following months. Hostilities broke out again in early November when government forces launched attacks against positions held by the Forces nouvelles in the north. Fighting and violent demonstrations quickly spread to other parts of the country, and nine French peacekeepers were killed by government forces. On 6 November, the Secretary-General asked the Security Council to confirm that UNOCI could use all necessary means to prevent any hostile action in the Zone of Confidence, which it did on the same day. Nine days later the Council took punitive action against those involved in the fighting by imposing an arms embargo against Côte d’Ivoire and a travel ban and a freeze of funds against those blocking the peace process. The Council established a committee to designate those individuals and entities subject to the sanctions.

The events in November were a serious setback to the prospects for peace. For the remainder of the year, there was some progress in returning to negotiations, principally through the mediation efforts of President Thabo Mbeki of South Africa, who led an AU diplomatic initiative in cooperation with the United Nations and ECOWAS. By late December, most of the major legislative reforms envisaged in the peace agreements had been drafted, including an amendment to article 35 of the Constitution on eligibility for the presidency.

**Political and security developments**

The Secretary-General reported [S/2004/443] a number of encouraging developments in the peace process at the beginning of the year. On 6 January, the Forces nouvelles returned to the Government of National Reconciliation and participated in preparatory meetings of the Council of Ministers, where major legal reforms envisaged in the Linas-Marcoussis Agreement were considered. On 14 January, the Secretary-General of the Forces nouvelles reaffirmed his movement’s commitment to remain in the Government. The first extraordinary session of the National Assembly was convened to consider some of the draft laws envisaged under the Agreement, including those related to the identification of the population and the residence status of foreigners, the reconstitution of the Independent Electoral Commission, the establishment of the National Commission on Human Rights, and land reform. On 12 January, President Laurent Gbagbo met with Guillaume Soro, leader of the Forces nouvelles, for the first time since that party had suspended participation in the Government. On 28 January, President Gbagbo agreed to restructure the management of the Ivorian Radio and Television, which had been a source of major political friction. In addition, the Government took steps towards deploying State administration and providing basic services to Forces nouvelles-controlled areas.

In the area of military cooperation, on 9 January, the quadripartite commission (Forces armées nationales de Côte d’Ivoire (FANCI), the armed wing of Forces nouvelles, ECOMICI and Licorne) signed the Yamoussoukro Agreement on the joint operational plan and guidelines for the disarmament, demobilization and reintegra tion programme. Both FANCI and the Forces nouvelles committed themselves to implementing the programme. On 14 February, the commission met to consider further plans and agreed on an exchange of prisoners to be carried out on 4 March. The Prime Minister, Seydou Diarra, announced that the programme would start on 8 March. However, the political climate began to worsen. On 26 February, Mr. Soro declared that, unless all key issues of the Linas-Marcoussis Agreement were addressed, his movement would not lay down arms before the October 2005 elections.

**Communications (January/February).** President Gbagbo, in a speech delivered on 20 January [S/2004/67], reported on the Government’s efforts towards achieving a peaceful solution to the crisis, and indicated that, within the powers granted to him by the Constitution, he intended to submit a number of issues to referendum.

The AU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, at a meeting on 30 January [S/2004/88], expressed satisfaction at the progress made in the Ivorian peace process, particularly the return of the Forces nouvelles to the Government. It encouraged the Ivorian political forces to continue to honour their commitments, in conformity with the Linas-Marcoussis Agreement, and supported the requests by Côte d’Ivoire and ECOWAS for the speedy deployment of a peacekeeping force in that country and the Secretary-General’s proposal for such a mission [YUN 2003, p. 171].

**Report of assessment mission.** On 6 January [S/2004/5], the Secretary-General reported on MINUG’s efforts to facilitate peace and security in the country, including the report of an assessment mission sent to Côte d’Ivoire from 3 to 11
Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the mandate of the United Nations Mission in Côte d’Ivoire shall be extended until 27 February 2004;

2. Decides also to renew until 27 February 2004 the authorization given to Member States participating in forces of the Economic Community of West African States, together with French Forces supporting them;


4. Calls upon the signatories to the Linas-Marcoussis Agreement to carry out expeditiously their responsibilities under the Linas-Marcoussis Agreement;

5. Also calls upon the signatories to the Linas-Marcoussis Agreement to take the steps called for by the Secretary-General in paragraph 86 of his report, and expresses its readiness to help them to achieve lasting peace and stability;

6. Requests the Secretary-General, pending a decision by the Security Council on the reinforcement of the United Nations presence in Côte d’Ivoire as recommended in paragraph 61 of the report of the Secretary-General, to prepare the possible deployment of a peacekeeping operation within five weeks after such decision by the Council;

7. Decides to remain actively seized of the matter.

Establishment of UNOCI

To help him finalize his proposals for expanding the UN peacekeeping mission in Côte d’Ivoire, the Secretary-General sent a technical team to that country from 16 to 27 January to evaluate the situation. In his 9 February report [S/2004/8/Add.1], he pointed out that under the Linas-Marcoussis Agreement, the international community was requested to support the Government of National Reconciliation in restructuring the security forces. However, the conduct of the National Police and the Gendarmerie, including human rights violations, corruption and extortion at checkpoints along major arteries, contributed to a widespread culture of impunity. The security forces had ceased to function in the northern part of the country, where law enforcement and policing activities were carried out by “interim structures”. A plan was being prepared for the return and reintegration of the National Police and the Gendarmerie to the north, which appeared to have the agreement of the Forces nouvelles, but the latter insisted on a neutral UN presence during the transition period. Another important concern to be urgently addressed was the restoration of law enforcement institutions and personnel in the zone of confidence. The judicial system had also ceased functioning in the north and in the zone of confidence. The prison system was underfunded and prisoners were held without access to proper judicial procedures.
The Secretary-General proposed that in the southern part of the country where national police operations had not been disrupted, the main role of the UN civilian police would be to advise the Government on restructuring the Gendarmerie and the National Police. It would also advise law enforcement authorities and observe their operation, with a view to deterring excesses and abuses. In the north and in the zone of confidence, the UN civilian police would advise the Government on the restoration of a police presence and instil confidence in the population so as to facilitate the restoration of that presence there. The UN civilian police, comprising 350 UN officers, would provide advice and support aimed at enhancing the operational capabilities and professionalism of the police and gendarmerie, and the restoration of law enforcement institutions and personnel in the zone of confidence and in the north. The deployment of all UN civilian police would begin in Abidjan in the south and Bouaké in the north, and gradually expand throughout the country.

The Secretary-General also recommended the establishment of a small judicial unit to help address key outstanding issues identified in the Linas-Marcoussis Agreement relating to strengthening the independence of the judiciary, national identification and citizenship, human rights, land tenure, and the criteria for eligibility for the presidency and other elections-related issues. The unit, comprising up to five international staff, would support and advise judicial authorities and the Government on the re-establishment of an impartial judicial system in areas where the administration of justice had broken down, and encourage the transparency of the justice system. It would follow legislative, judicial and administrative developments on matters central to implementation of the Linas-Marcoussis Agreement. In view of the need to re-establish a prison system in the north and to strengthen the system in the south, it was recommended that the civilian police and judicial component of the proposed peacekeeping operation also include a corrections unit to advise national authorities.

In a later addendum [S/2004/3/Add.2], the Secretary-General informed the Security Council that the financial implications for the deployment of a UN peacekeeping operation in Côte d’Ivoire were projected at $303 million for a six-month period, including $149 million in recurrent and $154 million in non-recurrent costs. The projections, which took into account MINUCI’s personnel and assets, provided for the deployment of 6,240 military personnel and 435 international and 529 national staff, as well as 199 United Nations Volunteers.

SECURITY COUNCIL ACTION (27 February)


The Security Council,


Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d’Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by the Ivorian political forces at Linas-Marcoussis, France, on 23 January 2003 (“the Linas-Marcoussis Agreement”) and approved by the Conference of Heads of State on Côte d’Ivoire, held in Paris on 25 and 26 January 2003,

Taking note with satisfaction of the recent progress, in particular the return of the Forces nouvelles to the Government, the agreement reached on the implementation of the programme of disarmament, demobilization and reintegration, and the talks between the President of the Republic of Côte d’Ivoire and the Forces nouvelles,

Considering that the Ivorian parties have made the progress called for by the Secretary-General towards the steps mentioned in paragraph 86 of his report of 6 January 2004 on the United Nations Mission in Côte d’Ivoire, as confirmed to the Council on 4 February 2004, and encouraging the Ivorian parties to continue their efforts in that direction,

Calling upon the parties and the Government of National Reconciliation to take all necessary steps to prevent further violations of human rights and international humanitarian law and to put an end to impunity,


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

Deeply concerned by the deteriorating economic situation in Côte d’Ivoire and its serious impact on the subregion as a whole,

Welcoming the commitment of the African Union in supporting the process of national reconciliation in Côte d’Ivoire,

Recalling its full support for the efforts of the Economic Community of West African States and France to promote a peaceful settlement of the conflict, and welcoming in particular the effective action taken by the forces of the Economic Community of West African States in order to stabilize the country,

Taking note of the message addressed to the Security Council on 10 November 2003 by the President of the
Republic of Côte d’Ivoire, in which he requested the transformation of the United Nations Mission in Côte d’Ivoire into a peacekeeping operation,

Taking note also of the request made by the Economic Community of West African States to the Security Council on 24 November 2003 to establish a peacekeeping operation in Côte d’Ivoire,

Noting that lasting stability in Côte d’Ivoire will depend on peace in the subregion, especially in Liberia, and emphasizing the importance of cooperation among the countries of the subregion to this end, as well as the need for coordination of the efforts of the United Nations missions in the subregion to contribute to the consolidation of peace and security,

Having considered the report of the Secretary-General on the United Nations Mission in Côte d’Ivoire,

Taking note of the letter dated 8 January 2004 from the President of the General Assembly addressed to the President of the Security Council,

Aware of the persistent challenges to the stability of Côte d’Ivoire, and determining that the situation in Côte d’Ivoire continues to pose a threat to international peace and security in the region,

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

1. Decides to establish the United Nations Operation in Côte d’Ivoire for an initial period of twelve months as from 4 April 2004, and requests the Secretary-General to transfer authority from the United Nations Mission in Côte d’Ivoire and the forces of the Economic Community of West African States to the United Nations Operation in Côte d’Ivoire on that date, and decides, therefore, to renew the mandate of the United Nations Mission in Côte d’Ivoire until 4 April 2004;

2. Decides also that the United Nations Operation in Côte d’Ivoire shall comprise, in addition to the appropriate civilian, judiciary and corrections component, a military strength of a maximum of 6,240 United Nations personnel, including 200 military observers and 120 staff officers, and up to 350 civilian police officers, as required to perform the mandated tasks described in paragraph 6 below;

3. Requests the Secretary-General to encourage the United Nations missions in West Africa to share logistic and administrative support, to the extent possible, without prejudicing their operational capabilities with respect to their mandates, in order to maximize effectiveness and minimize the cost of the missions;

4. Requests the United Nations Operation in Côte d’Ivoire to carry out its mandate in close liaison with the United Nations missions in Sierra Leone and in Liberia, including, especially, in the prevention of movements of arms and combatants across shared borders and the implementation of disarmament and demobilization programmes;

5. Reaffirms its strong support for the Special Representative of the Secretary-General for Côte d’Ivoire, and approves his full authority for the coordination and conduct of all the activities of the United Nations system in Côte d’Ivoire;

6. Decides that the mandate of the United Nations Operation in Côte d’Ivoire, in coordination with the French forces authorized in paragraph 10 below, shall be the following:

Monitoring of the ceasefire and movements of armed groups
(a) To observe and monitor the implementation of the comprehensive ceasefire agreement of 3 May 2003, and to investigate violations of the ceasefire;

(b) To liaise with the National Armed Forces of Côte d’Ivoire and the military elements of the Forces nouvelles in order to promote, in coordination with the French forces, the re-establishment of trust between all the Ivorian forces involved, as stated in its resolution 1479(2003);

(c) To assist the Government of National Reconciliation in monitoring the borders, with particular attention to the situation of Liberian refugees and to the movement of combatants;

Disarmament, demobilization, reintegration, repatriation and resettlement
(d) To assist the Government of National Reconciliation in undertaking the regrouping of all the Ivorian forces involved and to ensure the security of their cantonment sites;

(e) To help the Government of National Reconciliation to implement the national programme for the disarmament, demobilization and reintegration of the combatants, with special attention to the specific needs of women and children;

(f) To coordinate closely with the United Nations missions in Sierra Leone and in Liberia in the implementation of a voluntary repatriation and resettlement programme for foreign ex-combatants, with special attention to the specific needs of women and children, in support of the efforts of the Government of National Reconciliation and in cooperation with the Governments concerned, relevant international financial institutions, international development organizations and donor nations;

(g) To ensure that the programmes mentioned in subparagraphs (e) and (f) above take into account the need for a regional approach;

(h) To guard weapons, ammunition and other materiel handed over by the former combatants and to secure, neutralize or destroy such materiel;

Protection of United Nations personnel, institutions and civilians
(i) To protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment;

(j) To support, in coordination with the Ivorian authorities, the provision of security for the ministers of the Government of National Reconciliation;

Support for humanitarian assistance
(k) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions;

Support for the implementation of the peace process
(l) To facilitate, in cooperation with the Economic Community of West African States and other international partners, the re-establishment by the Government of National Reconciliation of the authority of the State throughout Côte d’Ivoire;
11. (m) To provide oversight, guidance and technical assistance to the Government of National Reconciliation, with the assistance of the Economic Community of West African States and other international partners, to prepare for and assist in the conduct of free, fair and transparent electoral processes linked to the implementation of the Linas-Marcoussis Agreement, in particular the presidential election;

12. (n) To contribute to the promotion and protection of human rights in Côte d’Ivoire, with special attention to those committed against women and girls, and to help to investigate human rights violations with a view to helping to end impunity;

13. To assist the Government of National Reconciliation, in conjunction with the Economic Community of West African States and other international organizations, in restoring a civilian policing presence throughout Côte d’Ivoire, and to advise the Government of National Reconciliation on the restructuring of the internal security services;

14. To assist the Government of National Reconciliation, in conjunction with the Economic Community of West African States and other international organizations, in re-establishing the authority of the judici ary and the rule of law throughout Côte d’Ivoire;

15. Requests the Secretary-General to give special attention to the gender and child-protection components within the staff of the United Nations Operation in Côte d’Ivoire;

16. Authorizes the United Nations Operation in Côte d’Ivoire to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment;

17. Requests the Secretary-General and the Government of National Reconciliation to conclude a status-of-forces agreement within thirty days of the adoption of the present resolution, taking into consideration General Assembly resolution 58/82 of 9 December 2003 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and notes that, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 shall apply provisionally;

18. Stresses the importance of the complete and unconditional implementation of the measures provided for under the Linas-Marcoussis Agreement, and demands that the parties fulfil their obligations under the Linas-Marcoussis Agreement so that, in particular, the forthcoming presidential election can be held in 2005 in accordance with the constitutional deadlines;

19. Calls upon all parties to cooperate fully in the deployment and operations of the United Nations Operation in Côte d’Ivoire, in particular by guaranteeing the safety, security and freedom of movement of United Nations personnel as well as associated personnel throughout the territory of Côte d’Ivoire;

20. Requests the Secretary-General to keep the Council regularly informed of the situation in Côte d’Ivoire, the implementation of the Linas-Marcoussis Agreement and the implementation of the mandate of the United Nations Operation in Côte d’Ivoire, and to report to it in this regard every three months, including a review of the troop level, with a view to a phasing-down in the light of the progress achieved on the ground and the tasks remaining to be fulfilled;

21. Decides to renew until 4 April 2004 the authorization given to the French forces and the forces of the Economic Community of West African States through its resolution 1527(2004);

22. Authorizes, for a period of twelve months from 4 April 2004, the French forces to use all necessary means in order to support the United Nations Operation in Côte d’Ivoire, in accordance with the agreement to be reached between the United Nations Operation in Côte d’Ivoire and the French authorities, and in particular:

(a) To promote understanding of the peace process and the role of the United Nations Operation in Côte d’Ivoire among local communities and the parties to the conflict;

(b) To intervene at the request of the United Nations Operation in Côte d’Ivoire in support of its elements whose security may be threatened;

(c) To intervene against belligerent actions, if the security conditions so require, outside the areas directly controlled by the United Nations Operation in Côte d’Ivoire;

(d) To help to protect civilians in the deployment areas of their units;

23. Requests France to continue to report to it periodically on all aspects of its mandate in Côte d’Ivoire;

24. Decides to remain actively seized of the matter.

The Secretary-General, speaking after the vote, said that Côte d’Ivoire had come a long way from the crisis that erupted in 2002. He noted that the parties had recently agreed on arrangements to implement the disarmament, demobilization, reintegration and repatriation programme, which was to start on 8 March. Other positive developments were the return of the Forces nouvelles to the Government of National Reconstruction on 6 January and consideration by the Council of Ministers of draft legislation and other reforms envisaged in the Linas-Marcoussis Agreement. A strengthened UN presence would make implementation of the disarmament, demobilization and reintegration
programme easier, facilitate the provision of humanitarian assistance and the restoration of State authority throughout the country, contribute to the promotion of human rights and the re-establishment of the rule of law, and help the country prepare for elections in 2005.

**Appointment.** On 25 March [S/2004/267], the Secretary-General informed the Security Council of his intention to appoint Major General Abdoulaye Fall (Senegal) as Force Commander of UNOCI. The Council, on 31 March [S/2004/268], took note of his intention.

**Events of late March**

Following those positive developments in the peace process, the political climate in Côte d’Ivoire began to worsen, the Secretary-General stated in his first report on UNOCI [S/2004/443]. Following Mr. Soro’s 26 February declaration on conditions for laying down arms (see p. 171), a number of political parties announced their intention to suspend participation in the Government due to concerns over the pace of implementation of the reforms envisaged under the Linas-Marcoussis Agreement, in particular those relating to the devolution of power from the President to the Government and the discretionary authority of ministers to make certain senior appointments within departments under their purview. Forces from the parties were deployed along the zone of confidence separating the Government-controlled south of the country from the rebel-controlled north. As a result of the political stalemate, the disarmament, demobilization and reintegration programme did not start as planned on 8 March. Two days later, supporters of the President stormed the Ministry of Justice to protest appointments made by the Justice Minister, Alassane Ouattara, who was also President of the opposition party, Rally of the Republicans. ECOWAS and French forces prevented them from attacking the residence of the Forces nouvelles ministers in Abidjan. Following those developments, the Council of Ministers, on 11 March, banned all demonstrations. In defiance, the “Coalition des Marcoussistes” (a coalition of opposition parties, including Forces nouvelles) announced that it would organize a demonstration on 25 March to protest the stalemate in the peace process and to show support for implementation of the Linas-Marcoussis Agreement. Despite a decree signed by President Gbagbo on 23 March limiting public demonstrations to enclosed spaces, the opposition parties maintained their determination to proceed with the rally. In a broadcast to the nation on the same day [S/2004/241], the President announced that a meeting had been scheduled for 29 March to examine all the issues outlined in a “Memorandum of Political Signatories of the Linas-Marcoussis and Accra II Agreements” presented to him by a delegation of “Marcoussistes”.

On 21 March, the Secretary-General urged all Ivorian parties to exercise restraint and avoid exacerbating the situation. He appealed to the leaders of all Ivorian political parties to engage in consultations in order to move forward with implementation of the Agreement, as did a number of African leaders. Meanwhile, the Ivorian armed forces and gendarmerie moved into the centre of Abidjan. Public institutions and schools were closed until 29 March.

On 25 March, demonstrations took place in several parts of Abidjan, resulting in violent clashes between the Ivorian security forces and demonstrators. Violence and sporadic shooting occurred for two days in and around the capital. At least 120 people were killed, 274 wounded and 20 disappeared. Demonstrations also took place in Yamoussoukro and in Bouaké. The Secretary-General issued another statement, again urging all parties to put the national interest foremost, stop confrontations and resume implementation of the Agreement.

The events of 25 and 26 March dealt a serious blow to the peace process. Following those events, Mr. Soro stated that his movement ruled out any possibility of disarmament or a return to the Government as long as President Gbagbo remained in power. However, on 31 March, the “Marcoussistes” presented a number of conditions for the resumption of dialogue with President Gbagbo, including recognition of their constitutional right to demonstrate; enhanced security for signatories of the Agreement to be provided by Ivorian, French and UN forces; balanced coverage for all political parties in State-owned media; permission to organize funerals and commemorative ceremonies for those who died on 25 March; and the establishment of an international commission of inquiry to investigate all human rights violations committed in connection with the 25-26 March events. President Gbagbo [S/2004/257] and Prime Minister Diarra [S/2004/258] also requested the establishment of an international commission of inquiry and called on all the parties that had signed the Agreement but had suspended their participation in governmental bodies to return to their places and to implement it fully.

The Secretary-General supported the requests for an International Commission of Inquiry and instructed the Office of the United Nations High Commissioner for Human Rights (OHCHR) to proceed with its establishment (see p. 177).
Security Council President press statement.
The Security Council President, in a 26 March press statement [SC/8045-9869], said that Council members expressed grave concern at the events and stressed the importance of implementing all the commitments in the Linas-Marcoussis Agreement, in particular disarmament, to ensure the redeployment of the administration throughout the territory.

Communications (April). The EU, in a statement issued on 8 April [S/2004/309], deplored the events of 25 March. It emphasized the importance of prompt deployment of UN peacekeeping forces in Côte d’Ivoire to support implementation of the Agreement and urged the parties to resume political dialogue and participate again in the Government of National Reconciliation.

On 22 April [S/2004/321], Côte d’Ivoire transmitted to the Council the common platform on conditions for the resumption of the political dialogue, submitted by the Directorate for the Coordination of Political Forces for National Reconciliation, signatories of the Linas-Marcoussis Agreement and/or adopted by Parliament.

SECURITY COUNCIL ACTION (April)

On 30 April [meeting 4959], following consultations among Security Council members, the President made statement S/PRST/2004/12 on behalf of the Council:

The Security Council expresses its grave concern at the events which occurred in Côte d’Ivoire at the end of March 2004 and at the current impasse in the peace process defined in the Linas-Marcoussis Agreement.

The Council underscores the importance of investigating all alleged violations of human rights committed in Côte d’Ivoire so that those responsible do not remain unpunished.

The Council reaffirms its strong commitment to the territorial integrity and unity of Côte d’Ivoire.

The Council recalls that it endorsed the Linas-Marcoussis Agreement, which remains the only possible solution to the crisis in Côte d’Ivoire.

The Council further recalls that all Ivorian political forces have committed themselves to implement fully and with no conditions the Linas-Marcoussis Agreement. The Council decided, on the basis of this commitment, to deploy the United Nations Operation in Côte d’Ivoire to support the process of peaceful settlement of the crisis, which is to culminate in 2005 with the organization of free, fair and transparent elections.

The Council emphasizes the individual responsibility of each of the Ivorian actors in the settlement of the crisis.

The Council expresses its readiness to consider further steps to encourage full implementation of the Linas-Marcoussis Agreement and to promote the process of national reconciliation in Côte d’Ivoire, including actions that might be taken, if necessary, against individuals whose activities are an obstacle to the full implementation of the Linas-Marcoussis Agreement.

Commission of inquiry

OHCHR, as requested by the Secretary-General, led the investigation into alleged human rights violations committed in connection with the demonstrations of 25 March. The commission of inquiry visited Abidjan from 15 to 28 April. In its report [S/2004/384], the commission concluded that the 25 March demonstration was used for what turned out to be a carefully planned operation by the Ivorian security forces, as well as special units and the so-called parallel forces, targeting opposition parties and community groups not only in Côte d’Ivoire, but also in Burkina Faso, Mali and the Niger. In spite of public statements to the contrary, all evidence suggested that there was no significant threat to the security forces by the demonstrators and that the repression and killings on 25 March and the following days represented a level of violence and excessive use of force that were not proportional to the situation, resulting in indiscriminate killing of innocent civilians and massive human rights violations. The events had to be seen in the broader context of a fragile political system and a struggle for power, which was often violent. The political responsibility of those who planned the march, in spite of the ban, the tense climate created by the drawing of a “red zone” (forbidden area for unauthorized persons) and the mobilization and use of the army were major factors in the escalation of tension. Many of the killings took place in the houses of would-be demonstrators or even innocent civilians targeted by the security forces. Most of the human rights violations could be characterized as a massacre in which summary executions, torture, disappearances and arbi-
trary detentions were repeatedly committed by units of the security forces, acting in coordination or in collusion with the parallel forces.

In addition, the commission believed that other massive human rights violations committed since 19 September 2002 also needed to be investigated, and proposed the establishment of an international commission of inquiry for that purpose. It also stated that other relevant issues needed to be resolved, such as reducing the uneven distribution of wealth, the systematic exclusion of community groups and the low level of literacy, compounded by unemployment.

Among its proposals, the commission recommended: the conduct of criminal investigations for those responsible for the massacres; the expansion of the UNOCI mandate to ensure the protection of witnesses to the indiscriminate killings of 25 March and of relatives of massacre victims; the establishment of a mixed human rights court, with the participation of international judges, mandated to prosecute all past serious human rights violations, including those committed prior to 25 March 2004; the dismantlement and disarmament of all armed groups, including the so-called parallel forces, with the possible integration of those forces into regular security structures of the State; ensuring more effective protection of the basic human rights and fundamental freedoms of all individuals in Abidjan, to create an environment conducive to holding fair elections in 2005; reform and training of the police and security forces; reform and strengthening of the judiciary; restructuring of the armed forces with the participation of all ethnic groups; establishment of a UN radio station to encourage mutual respect and tolerance; and the establishment of an independent human rights mechanism of the Commission on Human Rights, such as a country-based special rapporteur or an independent expert.

**Security Council consideration.** The Security Council, in a 14 May press statement of the President [SC/8094-AFR/929-HR/4756], following a briefing by the Acting High Commissioner for Human Rights, welcomed OHCHR’s intention to establish a commission to look into events dating back to September 2002. They expressed their determination to consider rapidly steps to ensure that those responsible for the violations of human rights in Côte d’Ivoire since September 2002 were held accountable for their actions. Council members urged the immediate establishment of the National Human Rights Commission called for in the Linas-Marcoussis Agreement.

**Communications.** President Gbagbo, on 18 [S/2004/411] and 20 [S/2004/411] May, welcomed the decision to send a new commission of inquiry to conduct a comprehensive review of the violations from September 2002. He also indicated that two national commissions of inquiry had been established to investigate the events of 25-26 March and that action would be taken to follow up on the conclusions of the Council’s inquiries.

**SECURITY COUNCIL ACTION (May)**

On 25 May [meeting 4977], following consultations among Security Council members, the President made statement S/PRST/2004/17 on behalf of the Council:

The Security Council reiterates its grave concern at the events which occurred in Côte d’Ivoire at the end of March 2004 and at the current impasse in the peace process defined in the Linas-Marcoussis Agreement.

The Council recalls that it endorsed the Linas-Marcoussis Agreement, which is the only solution to the crisis in Côte d’Ivoire.

The Council reaffirms the individual responsibility of each of the Ivorian actors to ensure the full implementation of the Linas-Marcoussis Agreement. It reiterates its complete readiness to take any necessary further steps against individuals who block the full implementation of the Linas-Marcoussis Agreement.


The Council strongly condemns the violations of human rights and international humanitarian law committed in Côte d’Ivoire, including those that occurred in Abidjan on 25 and 26 March 2004, and expresses its determination to ensure that those responsible for all these violations are identified and that the Government of Côte d’Ivoire brings them to justice. The Council expects President Laurent Gbagbo to comply fully with the commitment he has made in this regard, through the letter dated 20 May 2004 from the Permanent Representative of Côte d’Ivoire to the United Nations addressed to the President of the Security Council.

The Council therefore requests the Secretary-General to establish as soon as possible the international commission of inquiry, as recommended by the commission of inquiry of the Office of the United Nations High Commissioner for Human Rights and requested by the Government of Côte d’Ivoire, in order to investigate all human rights violations committed in Côte d’Ivoire since 19 September 2002 and determine responsibility. The Council calls upon all the Ivorian parties to cooperate fully with this international commission of inquiry.

The Council reiterates its demand for the Government of Côte d’Ivoire to bring to justice those responsible for these violations of human rights. In this regard, it expresses its complete readiness to encourage possible international assistance to the Ivorian judicial authorities to this end and requests...
the Secretary-General to submit recommendations on the various possible options for such assistance.

The Council is deeply concerned by slogans and declarations of hate, in particular those directed against the personnel of the United Nations Operation in Côte d'Ivoire, and urges all the Ivorian actors to refrain from any action or statement, especially in the media, which put at risk the security of United Nations personnel and, more globally, the process of national reconciliation. The Council recalls the obligation of all Ivorian actors, in particular the Government of Côte d'Ivoire, to cooperate fully in the deployment and operations of the United Nations Operation in Côte d'Ivoire, which is there at the request of the Government, in particular by guaranteeing the safety, security and freedom of movement of all United Nations personnel.


The Council recalls that it decided, on the basis of the commitment of all Ivorian political forces to implement fully and without conditions the Linas-Marcoussis Agreement, to deploy the United Nations Operation in Côte d'Ivoire to support the process of peaceful settlement of the crisis, which is to lead to the organization in 2005 of open, free and transparent elections.

The Council underlines the fact that no concrete progress can be made in the implementation of the Linas-Marcoussis Agreement until the Government of National Reconciliation composed on 13 March 2003 and completed on 12 September 2003 meets again under the authority of the Prime Minister.

The Council is therefore deeply concerned by the recent announcement by President Laurent Gbagbo that he would dismiss opposition ministers. The Council also reiterates its concerns at the continuing non-participation of the opposition parties in the Government of National Reconciliation. The Council considers that such decisions undermine the normal functioning of Ivorian institutions and the resumption of dialogue between Ivorian parties which is the basis of the Linas-Marcoussis Agreement.

The Council underscores the importance of having all relevant Ivorian parties participate fully in the Government of National Reconciliation. In this regard, the Council calls upon all Ivorian parties to apply faithfully all the provisions of the Linas-Marcoussis Agreement, including those regarding the composition and functioning of the Government of National Reconciliation, and to resume immediately political dialogue with a view to ensuring the effective functioning of the Government of National Reconciliation.

The Council reiterates its full support to Prime Minister Seydou Diarra, head of the Government of National Reconciliation, and encourages him to carry on his task until the completion of the peace process, as foreseen in the Linas-Marcoussis Agreement.

The Council recalls the importance it attaches to the early and full adoption of the constitutional and legislative reforms provided for in the Linas-Marcoussis Agreement.

The Council takes note in this regard of the renewed commitment of President Laurent Gbagbo, in his message to the nation on 18 May 2004, to apply fully the Linas-Marcoussis Agreement, and his request addressed to the Parliament to accelerate the achievement of the legislative reforms. It now expects these commitments to be fulfilled in order that concrete steps can be undertaken to restore confidence.

The Council also reaffirms the urgency of disbanding militias and armed groups and proceeding with operations to regroup the opposing forces in order to permit the start of disarmament and demobilization, which must precede their reintegration into the regular army or civilian life.

The Council firmly rejects the assertion that disarmament can be delayed until after the 2005 elections and calls upon all parties to move immediately to begin this process.

The Council underlines the responsibilities of the Monitoring Committee as the guarantor of the implementation of the Linas-Marcoussis Agreement and expresses its appreciation for further efforts it may undertake in order to overcome the current impasse in the peace process as well as in supporting the United Nations Operation in Côte d'Ivoire in carrying out its mandate.

The Council calls upon all parties to take immediate action to implement the steps above and emphasizes that these measures are essential to enable Côte d'Ivoire and Ivorians to return to the path to peace, stability and economic development.

**Further developments in peace process**

**Report of Secretary-General (June).** The Secretary-General, in his first report on UNOCI, issued on 2 June [S/2004/445] in response to resolution 1528(2004) (see p. 173), said that, in an effort to give new impetus to the peace process, a high-level delegation, led by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guehenno, visited Côte d'Ivoire from 15 to 20 April. The delegation conveyed the international community's preparedness to help Côte d'Ivoire restore peace and normalcy, including through the deployment of UNOCI, but the Ivorian parties had the responsibility to proceed without further delay and in good faith with implementation of the Linas-Marcoussis Agreement. It encouraged the President to use his authority to establish all necessary conditions to enable the Government to function effectively, including full support for his Prime Minister, greater freedom for the ministers to appoint their aides and the immediate dismantling of any parallel government structures. The delegation called on the Forces nouvelles to proceed with disarmament without delay.

On 24 April, the “Coalition des Marcoussistes” held a memorial service to honour the victims of the 25 and 26 March events, which took place.
without any serious incidents. The following day, supporters of President Gbagbo held a rally in Abidjan, demanding that UNOCI immediately disarm Forces nouvelles and the right to hold a rally in the Forces nouvelles stronghold of Bouaké. In the meantime, the political stalemate continued and the parties hardened their positions. On 26 April, the Forces nouvelles leader said that his movement would not disarm or return to the Government as long as President Gbagbo remained in power and would re-establish social services and a police force in the areas under its control. Two days later, a delegation of the “Coalition des Marcoussistes”, escorted by UNOCI troops, travelled to northern Côte d’Ivoire for meetings aimed at promoting reconciliation. On 5 May, Prime Minister Diarra gave the Coalition assurances of impartial treatment in access to the State media and enhanced security, thereby satisfying the two remaining preconditions for the return of their ministers to the Government. In addition, the National Assembly decided to resume the debate on the law on identification and to consider other draft laws envisaged under the Linas-Marcoussis Agreement.

On 18 May, however, President Gbagbo announced the suspension of support to the opposition ministers who had boycotted Cabinet meetings since early March, and signed a decree announcing the dismissal of three of them, including Mr. Soro. Forces nouvelles responded by withdrawing all its remaining representatives from the capital to Bouaké. The tension continued to mount the next few days in Abidjan and several businesses and schools were closed. Threats to UNOCI from pro-Gbagbo supporters escalated, and the Secretary-General called on all parties concerned to desist from action that might lead to further violence and to cooperate with the Linas-Marcoussis Monitoring Committee and his Special Representative in resolving outstanding issues. The Monitoring Committee formulated a programme of work to help the parties overcome the political stalemate and proceed with implementation of the Agreement. The programme included a timetable for disarmament, demobilization and reintegration operations; legislation relating to the identification process; the reunification of the country, including by redeploying the State administration and the provision of basic services throughout Côte d’Ivoire; the reconstitution of the Independent Electoral Commission; equal access by all political groups to public media; security arrangements for leaders of political parties and candidates for presidential elections; and measures aimed at economic recovery.

The security situation, which deteriorated following the events of 25-26 March, remained fragile throughout the country. Serious tensions resulted in shootings and violent attacks against villagers. There was also an increase in militia activities in the western region. Ethnic and party clashes were also reported. In the north, in February and March, inter-factional fighting escalated between the military wings of Forces nouvelles. The continued de facto partitioning of the country contributed to the climate of uncertainty, and reinforced fears of a resumption of civil conflict. Forces nouvelles was reported to be strengthening its administrative activities in the areas under its control, including the payment of salaries to elements of the army and police and the establishment of custom services. Forces nouvelles suspended its participation in meetings of the quadripartite military commission, while FANC no longer participated in joint patrols with Forces nouvelles. In Abidjan, the security situation deteriorated, with various demonstrations, mainly organized by pro-Ivorian Patriotic Front supporters to protest the findings of the international commission of inquiry (see p. 177) and delays in implementing the disarmament, demobilization and reintegration programme. UNOCI and French troops also came under attacks by groups of violent protesters.

The human rights situation throughout Côte d’Ivoire also deteriorated, with violations including arbitrary detention, extrajudicial killings and discrimination and violence on the basis of nationality, ethnic origin, gender and political opinion. In the northern area, there were acts of extortion, arbitrary tax collection, forcible abduction and summary execution. The collapse of the judicial system led to a dramatic increase in child prostitution and sexual violence perpetrated by various uniformed elements.

The current political crisis had a negative effect on election preparations. The National Assembly adopted a law on the identification and residence of aliens and the Government promulgated decrees on the establishment of a National Identification Supervisory Commission, changes to the National Identification Office, procedures for the issuance and format of the national identity card, and appointments to the National Identification Supervisory Commission. However, several draft laws were still awaiting legislative assent. An electoral needs assessment mission, sent to Côte d’Ivoire from 26 January to 6 February by the Secretary-General, recommended the establishment of an electoral component within UNOCI to provide technical assistance to national electoral authorities and monitor electoral preparations throughout the country.
The crisis also affected significantly the overall humanitarian and economic situation in the country and the West African subregion. Surveys indicated that malnutrition rates were on the rise in the western part of the country owing to the loss of harvests, continued displacements, poor roads and limited access to health facilities. In the north, the lack of deployment of local administration in the territory under the control of Forces nouvelles impacted negatively on the provision of health services and education in those areas. The health situation remained precarious, owing to the closure of most health-care centres following the departure of up to 85 per cent of the medical staff and lack of medical supplies.

The Secretary-General concluded that Côte d’Ivoire had reached a crossroads. He appealed to the Security Council, the AU, ECOWAS and other international stakeholders to continue to play an active role in encouraging all Ivorian parties to resume political dialogue, and to all opposition parties to return to the Government of National Reconciliation without delay. He said that the Security Council’s upcoming mission to West Africa (see below) would provide an opportunity to remind all Ivorian parties of their respective responsibilities. He urged President Gbagbo to ensure that the ban on disruptive activities was enforced without discrimination, that all Ivorians were free to move safely throughout the country and that the Government was allowed to initiate the process of legislative reform unhindered.

**Report of Security Council mission.** The Security Council mission to West Africa (20-29 June) (see p. 169) visited Côte d’Ivoire on 22 and 29 June. In its report, submitted on 2 July (S/2004/725), the mission said that it had emphasized to leaders of Côte d’Ivoire its concern over the breakdown in the peace process, the impasse in the implementation of the Linas-Marcoussis Agreement and the non-functioning of the Government. It identified three concrete measures as vital for restarting the peace process: the reconstitution of the Government, the resumption of its work and the establishment of a schedule for implementing the Linas-Marcoussis Agreement; the early adoption by the National Assembly of political reforms envisaged in the Agreement; and the parties acting in unity to forge a better future for the country. The mission stressed that attacks against UN personnel and property had to cease.

The mission agreed that failure to resolve the political impasse would not only provoke a major socio-economic and humanitarian disaster and compound the existing North-South divide in the country, but would seriously upset the stability of the whole subregion. It noted the concern expressed by the UNOCI Force Commander that, unlike the French Licorne force, the mission’s rules of engagement did not permit it to use force in monitoring the ceasefire and protecting civilians in the Zone of Confidence, making it difficult for the two forces to cooperate effectively.

The mission recommended that the President and the Prime Minister should consult with all the signatories to the Agreement on reconstituting and reactivating the Government, including an implementation schedule and ensuring that draft laws on political reform were adopted by the National Assembly by 28 July; the parties should commit to regular high-level dialogue without preconditions; the Government should halt hostile actions against UNOCI and UN and other foreign representatives in the country; and UNOCI should be brought up to full strength. In that regard, the Council would welcome advice on redefining the UNOCI mandate to allow for readjustment of its rules of engagement. The mission also recommended that the Government honour its commitment to authorize the operation of UNOCI’s radio by early July; the Monitoring Committee should work with the Government and ECOWAS in monitoring the schedule of compliance with the Agreement; UN representatives should work with civil society organizations to advance the peace process; the Government should ensure that those responsible for human rights violations were brought to justice; the parties should commit themselves to cooperating with the international commission of inquiry (see p. 177) into human rights violations since September 2002; UNOCI should assist in preparations for general elections; ECOWAS should remain engaged in efforts to resume the national dialogue and help expedite legislative reforms provided for in the Agreement; and the Security Council should monitor fulfilment of the pledges made by President Gbagbo and other Ivorian parties, particularly the adoption of laws and the resolution of the issues of the status-of-forces agreement and the operation of UNOCI radio by early July. The Council should consider targeted measures against individuals who obstructed implementation of those pledges.

Côte d’Ivoire, in its observations on the report of the Security Council mission (S/2004/600), transmitted on 27 July, affirmed that President Gbagbo would ensure that the bills provided for in the Agreement were adopted in compliance with the national Constitution.
Accra III Agreement

As the Ivorian peace process continued to face serious difficulties, numerous initiatives were taken in mid-2004 by international stakeholders to defuse the tensions, the Secretary-General reported [S/2004/697]. His Special Representative, Albert Tévoédjrè, consulted with the President, other government leaders and those of Ivorian political parties on ways to overcome the impasse in the peace process, while the Prime Minister consulted with the "Coalition des Marcoussistes". On 20 June, the Presidents of Ghana, Nigeria and Togo and the ECOWAS Executive Secretary met with President Gbagbo in Abuja, Nigeria, at an ECOWAS mini-summit at which strategies for putting the Ivorian peace process back on track were discussed. Following the summit, President Gbagbo, in a 21 June speech, announced his determination to remove all obstacles to the peace process and condemned attacks against French citizens and UN personnel. He encouraged the Government to submit all remaining draft laws under the Linas-Marcoussis Agreement to the National Assembly for adoption.

Following further diplomatic initiatives by the President of Gabon, President Gbagbo met with the major Ivorian political forces, including the "Coalition des Marcoussistes", and separately with them on 29 and 30 June, in an attempt to restart the political dialogue. That meeting discussed the return of the three dismissed ministers to the Government of National Reconciliation and the delegation of powers from the President to the Prime Minister. Forces nouvelles did not participate in the meeting, but indicated that it would abide by any agreement reached by the other members of the Coalition. The AU Peace and Security Council (Addis Ababa, Ethiopia, 4 July) [S/2004/561] welcomed the ECOWAS mediation efforts to relaunch the peace and reconciliation process as well as the resumption of dialogue between the President and the political opposition, and urged the Forces nouvelles to rejoin the negotiation process.

On 6 July, the Secretary-General convened a mini-summit on Côte d’Ivoire, on the sidelines of the third AU summit in Addis Ababa. Attended by the Presidents of Benin, Burkina Faso, Côte d’Ivoire, Gabon, Ghana, Mali and Nigeria, the Prime Minister of Togo and the ECOWAS Executive Secretary, the summit called on the Ivorian parties to increase efforts to overcome the political impasse; restore the integrity of, and confidence in, the Government of National Reconciliation; and dismantle all paramilitary and militia groups. The President and Prime Minister were called upon to resume the effective functioning of the Government, which should address all remaining legal reforms. The Ivorian parties were urged to establish security conditions necessary for State administration and economic activities nationwide, and for the preparation of elections, and participate in the disarmament, demobilization and reintegration programme. It was also decided that a meeting of all the Ivorian political forces would be convened in Accra, Ghana, on 29 July to give impetus to the peace process. Prior to that meeting, a number of confidence-building measures were to be taken: President Gbagbo would meet with the leaders of all Ivorian political forces; the National Assembly would adopt all legal reforms envisaged under the Agreement before the end of July; the Joint Côte d’Ivoire—Burkina Faso and Côte d’Ivoire—Mali Commissions would be reactivated; and the heads of State of Burkina Faso, Côte d’Ivoire and Mali would hold a tripartite meeting to prepare for the Accra summit.

The high-level meeting on Côte d’Ivoire was held in Accra on 29 and 30 July, bringing together 13 African heads of State, President Gbagbo and Prime Minister Diarra, and most of the leaders of the 10 Ivorian political forces signatory to the Linas-Marcoussis Agreement. The parties reached a consensus on addressing the key outstanding issues facing the peace process, and signed the Accra III Agreement on 30 July. The text of the Agreement was forwarded to the Security Council on 2 August [S/2004/629] by Ghana.

The Accra III Agreement provided a framework and a timetable for the reactivation of the peace process, with a view to ensuring the full implementation of the Linas-Marcoussis Agreement. With regard to the revision of article 35 of the Constitution concerning eligibility to the presidency, the parties agreed that President Gbagbo should use his constitutional powers to implement that provision by the end of September. They also agreed that the National Assembly should adopt, by the end of August, all legal reforms envisaged under the Agreement. They committed themselves to the commencement of the disarmament, demobilization and reintegration process by 15 October, which should include all paramilitary and militia groups. The parties agreed on the need for a clear delegation of powers from the President to the Prime Minister, to urgently resume the work of the Government of National Reconciliation and to convene a meeting of the Council of Ministers.

The parties also committed themselves to cooperating fully with the international commission of inquiry to investigate the human rights violations perpetrated in Côte d’Ivoire since
September 2002 (see p. 177) and on the urgent need to establish the National Human Rights Commission. They agreed to establish a tripartite monitoring group, comprising representatives of ECOWAS, the AU and UNOCI, which would submit fortnightly reports on progress in implementing the Accra III Agreement to the ECOWAS and AU Chairpersons and to the UN Secretary-General.

In a statement issued on 5 August [S/2004/641], the EU welcomed the Accra III Agreement and urged all the parties concerned to commit themselves to the full application of its provisions.

SECURITY COUNCIL ACTION (August)

On 5 August [meeting 5018], following consultations among Security Council members, the President made statement S/PRST/2004/29 on behalf of the Council:

The Security Council welcomes the signing, on 30 July 2004 at Accra, by the President of the Republic of Côte d’Ivoire, Mr. Laurent Gbagbo, the Prime Minister of the Government of National Reconciliation, Mr. Seydou Elimane Diarra, and all the political forces of Côte d’Ivoire, of an agreement (‘the Accra III Agreement’) that consolidates the implementation of the Linas-Marcoussis process. The Council recalls that it endorsed the Linas-Marcoussis Agreement. It welcomes the resolute commitment of the African Heads of State and Government, in particular of the Chairman of the Economic Community of West African States, Mr. John Agyekum Kufuor, President of the Republic of Ghana, and the Chairperson of the African Union, Mr. Olusegun Obasanjo, President of the Federal Republic of Nigeria, as well as of the Secretary-General of the United Nations and the other participants in the summit held in Accra on 29 and 30 July 2004, thanks to which the conclusion of the Accra III Agreement was made possible.

The Council welcomes the spirit of dialogue and responsibility shown by President Gbagbo and each of the Ivorian parties, who have clearly demonstrated their willingness to lead the political process in Côte d’Ivoire to its completion. It welcomes the concrete measures agreed upon by the signatories to the Accra III Agreement with a view to facilitating the full and comprehensive implementation of the Linas-Marcoussis Agreement and because of the serious threats, caused by the continuing crisis, which persist against the territorial integrity of Côte d’Ivoire. It urges the parties to adhere strictly to the deadlines that have been fixed, in particular to settle the issue of eligibility for the Presidency of the Republic and to begin disarmament, in accordance with the Linas-Marcoussis Agreement, for all paramilitary groups and militias and disbanded disruptive youth groups.

The Council urges all parties to implement in good faith, without delays or preconditions, the obligations they have undertaken in signing the Accra III Agreement. It calls upon them, in particular, to remain committed so that open, free and transparent elections can be held, as agreed, before the end of 2005. It reaffirms its complete readiness to take any appropriate measure against individuals who impede the full implementation of the Linas-Marcoussis Agreement.

The Council takes note with profound concern of the preliminary results of the investigation led by the United Nations Operation in Côte d’Ivoire of the massacres that occurred in Korhogo. It reiterates its firm condemnation of all atrocities and violations of human rights and international humanitarian law committed in Côte d’Ivoire and in particular those that occurred in Abidjan on 25 and 26 March 2004. It reiterates its full support to the international commission of inquiry put in place by the United Nations High Commissioner for Human Rights in order to establish the facts and circumstances of the perpetration of violations of human rights and international humanitarian law which have occurred in Côte d’Ivoire since 19 September 2002, and, as far as possible, to identify their authors. It recalls that all persons responsible for such violations will be brought to justice. It encourages the Ivorian parties to establish without further delay, in accordance with the commitment they have undertaken, the National Human Rights Commission provided for in the Linas-Marcoussis Agreement.

The Council expresses its intention to continue to follow closely developments in the situation in Côte d’Ivoire and the implementation of the Linas-Marcoussis Agreement. It emphasizes in this regard the importance of the follow-up mechanism and looks forward to the regular reports provided for in the Accra III Agreement of 30 July 2004. In this regard, the Council requests the Secretary-General to keep it regularly informed of the implementation of commitments under the Accra III Agreement.

President Gbagbo, in an address to his country on 6 August [S/2004/632], expressed his Government’s intention to implement the Accra Agreement.

Tripartite Monitoring Group

The tripartite Monitoring Group, set up in accordance with the Accra III Agreement to review progress in its implementation, issued seven reports in 2004 covering the periods 1 to 31 August [S/2004/657, S/2004/716], 1 to 15 September [S/2004/748], 15 to 30 September [S/2004/800], 1 to 15 October [S/2004/978], 15 to 30 October [S/2004/914] and 16 to 30 November [S/2004/976]. Developments from 1 to 17 December and from 18 December to the end of the year were detailed in a later report [S/2005/82]. (For details of the last three reports, see p. 191.)

The Group reported, among the major developments, that the Council of Ministers met on 9 August and issued decrees reinstating the three dismissed ministers to their previous posts in the Government; appointing a new government spokesperson; and delegating power to the Prime Minister.
Minister. The Group followed the status of implementation of the pertinent texts of legislation and decrees envisaged under the Linas-Marcoussis and Accra III Agreements, and, in its second report, included a timetable for the disarmament, demobilization and reintegration programme and a table setting out progress in respect of the legislative texts. The Group noted sharp divisions between the parties over appointments to the Independent Electoral Commission. In addition, the gridlock in the National Assembly remained deadlocked over the issues of constitutional reform and disarmament. However, the critical problem of identification had to be solved before that exercise could begin. It also noted some encouraging developments in human rights, specifically, that checkpoints and the number of arrests, detentions and disappearances had decreased. In the light of the stalemate within the National Assembly and the trend of political debate over issues relating to implementation of the Agreements, the tripartite Monitoring Group recommended that consultations be held with President Gbagbo and other political stakeholders to ascertain the difficulties facing them in regard to the passage of the relevant legal reforms, and with the four major Ivorian political leaders (President Gbagbo, Mr. Soro, Mr. Konan Bedie, Mr. Allassane Ouattara) to find a solution to the controversy surrounding article 35 of the Constitution. However, the situation remained deadlock over the issues of constitutional reform and disarmament.

**UNOCI activities**


With a troop strength of 5,877 as at 20 August, UNOCI’s activities focused on patrolling, including border patrolling and guard duties, and liaising with FANCI, the military elements of Forces nouvelles and the Licorne force. It coordinated with humanitarian and development agencies to facilitate the delivery of assistance. The civilian police force, which had 160 officers, out of an authorized strength of 350, assisted the mixed national force of gendarmes, comprising Ivorian internal security forces and Forces nouvelles elements, in training and facilitated cooperation between the two sides. The UNOCI deployment had a generally positive impact on the security situation in the country, which had become more stable. However, violent incidents, mostly involving rival factions of Forces nouvelles in the north, various youth groups in Abidjan and militias in other parts of the country, led to an increased level of tension. The presence of mercenaries was also reported in both northern and southern areas. In the north, “unidentified” heavily armed elements, allegedly supporters of Staff Sergeant Ibrahim Coulibaly, launched an attack against the military elements of Forces nouvelles stationed in the Korhogo area on 20 June, resulting in 11 civilian deaths. The same elements then attacked the convoy of the Secretary-General of Forces nouvelles, Mr. Soro, but no injuries were reported. Forces nouvelles issued a communiqué accusing the attackers of receiving support from President Gbagbo and Guinean President Lansana Conté. On 21 June, clashes between the rival factions of Mr. Soro and Mr. Coulibaly in Bouaké resulted in a series of summary executions. On 25 and 26 June, sporadic shooting between rival factions of Forces nouvelles was again reported in Korhogo. Mass graves discovered in Korhogo were investigated by UNOCI, which confirmed the existence of three such graves containing at least 99 bodies. The situation in Abidjan was calm, with a strong presence of FANCI and Ivorian security forces. FANCI reinforced its positions along the southern edge of the Zone of Confidence to track possible infiltration by armed elements from the north. Western areas of the country remained volatile, mainly owing to a large presence of Liberian and Burkinabé refugees. Tensions were also rising between local military forces in both the north and south and the impartial forces, particularly the French Licorne force. A positive development was the resumption on 10 August of the Tripartite Commission meetings of FANCI, Forces nouvelles, ONUCI and the Licorne force.

The human rights situation in Côte d’Ivoire continued to be of serious concern. Grave violations occurred in the north, following inter-factional fighting within Forces nouvelles. In the Government-controlled area, the situation was marked by reports of ethnic tensions, including harassment and intimidation of foreigners and civilians from the north by paramilitary and militia groups and other disruptive youth groups. In western areas, the situation was dominated by intercommunal conflict, with land ownership at
the core of tensions. That dispute led to the exclusion of foreign migrants, mainly from Mali, Guinea and Burkina Faso, and northern ethnic groups. On 22 June, OHCHR established the International Commission of Inquiry to investigate human rights violations since September 2002, which arrived in the country on 15 July to begin its work. Progress was made in the public information area with the mission’s radio station, covering the greater Abidjan area, beginning regular broadcasts on 19 August.

The humanitarian situation was complicated by the internal displacement of an estimated 800,000 persons, of whom 500,000 had yet to be resettled. Humanitarian agencies reported a near total collapse of the provision of basic services in health, water and sanitation, education and protection in the north. Some 70,000 Liberian refugees continued to live in Côte d’Ivoire, where they encountered hostility from local extremist groups and some political leaders.

The Secretary-General observed that the Accra III Agreement, containing a framework for implementation of the main provisions of the Linas-Marcoussis Agreement, provided a clear road map for progress in the peace process. Some progress had been made, although much remained to be done to meet the established deadlines. Reminding the Ivorian parties of their personal responsibility for ensuring that the commitments made in Accra were carried out, he also drew their attention to the Council’s stated intention to consider appropriate, targeted measures against individuals who obstructed the implementation of the Linas-Marcoussis Agreement. While the international community remained ready to assist the Ivorian parties to bring the crisis to an end, it looked to President Gbagbo and the Ivorian leadership to ensure that progress was made in the peace process.

Security Council consideration. The Security Council was briefed on 27 September on the situation in Côte d’Ivoire by the Secretary-General’s Special Representative, Albert Tévoédjrè. In a 27 September press statement of its President [SC/9897- AFR/1096], Council members noted the resumption of the activities of the Government of National Reconciliation, in accordance with the commitments made at the Accra III summit (see p. 182), but expressed concern over the lack of progress in other key sectors. They underlined that the situation was not only holding back the peace process in Côte d’Ivoire, but was also detrimental to further progress in the subregion. The members exhorted President Gbagbo to do everything in his power to ensure the revision of article 35 of the Constitution, and exhorted Forces nouvelles to start as soon as possible, without pre-conditions, the disarmament, demobilization and reintegration process to which they both had committed themselves. They also called on military groups to disarm and on members of Parliament to accelerate consideration of legislative reforms.

Communication. Mr. Gbagbo, in an address to Ivorians on 12 October [S/2004/817], said that he would submit to Parliament the draft amendment to article 35 of the Constitution on eligibility, as soon as disarmament began. He reported that the armed forces on both sides had declared themselves ready to begin disarmament on 15 October and he appealed to the political leaders to play their part.

Renewed hostilities

Despite the general improvement in security between September and mid-October, the situation remained tense in Man and around Guiglo where militias operated freely, the Secretary-General reported [S/2004/962]. The level of cooperation between FANCI and the military elements of Forces nouvelles also improved, culminating in the adoption on 11 October of the Yamoussoukro Joint Declaration, in which the parties reaffirmed an earlier decision not to resume armed hostilities and their commitment to commencing the disarmament process. However, the lack of progress in the peace process impacted on the military and security situation in Côte d’Ivoire, with both FANCI and Forces nouvelles increasing their states of alert. Tensions mounted as the deadline for the disarmament process approached, and demonstrations were held in three northern towns in early October, targeting both UNOCI and Licorne troops. On 26 October, Forces nouvelles claimed to have discovered a large quantity of weapons and ammunition in a truck entering Bouaké. That led to the suspension two days later of their participation in the Government of National Reconciliation. Forces nouvelles declared a “state of emergency”, imposed a curfew in areas under its control, withdrew from the disarmament, demobilization and reintegration process and announced that all vehicles entering areas under its control, including UN and humanitarian vehicles, would be searched.

On 4 November, FANCI launched a military operation against Forces nouvelles positions in Bouaké and Korhogo. In Abidjan, the so-called “young patriots”, supporters of President Gbagbo, forcibly tried to seize the residence of Forces nouvelles ministers. Meanwhile, the office of the Prime Minister was seized by FANCI and the staff expelled. The “young patriots” also ransacked the offices of the National Commission.
for Disarmament, Demobilization and Reintegration and those of the opposition parties, and burned and looted the offices of three major newspapers. Following the attacks, the Secretary-General of Forces nouvelles declared the Accra III and the Linas-Marcoussis Agreements “null and void”.

On 5 November, FANCI forces carried out additional attacks against Forces nouvelles, resulting in further deaths of civilians and soldiers. Despite UNOCI efforts to prevent infiltration through the zone of confidence, on 6 November large numbers of FANCI troops moved across the zone and clashed with Forces nouvelles in Sakassou, south of Bouaké, and in Bouaké itself. Meanwhile, President Gbagbo informed the UN Secretary-General that the military operations under way were “limited and targeted at the recapture of specific towns”. On the same day, a base of the French Licorne force was bombed, resulting in the deaths of nine French soldiers and one American citizen, and the wounding of 38 French soldiers. The French forces responded by destroying the planes used by FANCI during the raids, and military helicopters on the ground in Yamoussoukro. The Ivorian authorities accused the Licorne force of a disproportionate use of force in response to a “mistake” by the Ivorian security and defence forces, as the Government explained in a letter of 16 November [S/2004/900]. The Ivorian authorities asked for an international inquiry into the French action. That action had also heightened tensions in Abidjan and other major towns, fuelled by messages broadcast on State-run radio and television inciting hatred and violence against French forces and citizens, leading to violent demonstrations. Calm was restored on 7 November, as FANCI troops were ordered to withdraw to their positions south of the Zone of Confidence and President Gbagbo appealed for calm and for demonstrators to return to their homes.

The Secretary-General, on 6 November [S/2004/896], sought the Security Council’s confirmation that, in accordance with resolution 1528 (2004) (see p. 173), UNOCI was authorized to use all necessary means within its capabilities and areas of deployment to prevent any hostile action within the zone of confidence, where the UNOCI and the French forces were deployed.

SECURITY COUNCIL ACTION (6 November)

On 6 November [meeting 5072], following consultations among Security Council members, the President made statement S/PRST/2004/42 on behalf of the Council:

The Security Council condemns the attack against French forces in Bouaké on 6 November 2004 that resulted in fatalities and other casualties, as well as the fatal air strikes in the north by the national armed forces of Côte d’Ivoire, as violations of the ceasefire agreement of 3 May 2003.

The Council further condemns any effort by any party to send forces through the Zone of Confidence.

The Council demands the immediate cessation of all military operations by all Ivorian parties and full compliance with the ceasefire agreement of 3 May 2003.

The Council expresses its full support for the action undertaken by French forces and the United Nations Operation in Côte d’Ivoire.

The Council confirms that French forces and the United Nations Operation in Côte d’Ivoire are authorized to use all necessary means to carry out fully their mandate in accordance with its resolution 1528(2004) of 27 February 2004. It confirms also that the United Nations Operation in Côte d’Ivoire, within its capabilities and areas of deployment, is authorized to prevent any hostile action, in particular within the Zone of Confidence.

The Council strongly recalls the obligations of all Ivorian parties, the Government of Côte d’Ivoire as well as the Forces nouvelles, to refrain from any violence against civilians and to cooperate fully with the activities of the United Nations Operation in Côte d’Ivoire. The Council firmly reminds all parties of the need to guarantee the security and freedom of movement of all United Nations personnel.

The Council intends to examine rapidly further actions, including individual measures to be taken.

The AU Peace and Security Council, in a communiqué on Côte d’Ivoire adopted on 8 November [S/2004/896], urged the Government and the parties to exercise maximum restraint, desist from pronouncements that might incite hatred and violence, and recommit themselves to dialogue and negotiations. It supported the decision of the AU Chairperson to mandate President Thabo Mbeki of South Africa to undertake a mission to the country to promote a political solution.

On 29 November [S/2004/931], Côte d’Ivoire provided its version of the events that took place from 4 to 10 November and called for the forces in the zone of confidence to be unified under the United Nations.

Arms embargo

On 10 November [S/2004/895], the Gambia, on behalf of the African Group of States, expressed deep regrets over the events that had occurred in Bouaké since 4 November. The Group expressed reservations about the proposed Security Council resolution recommending the imposition of punitive measures against Côte d’Ivoire as they were incompatible with the AU’s strategy of engagement with all the parties concerned, and ap...
pealed to the Council that the AU be allowed more time for its diplomatic efforts to come to fruition.

SECURITY COUNCIL ACTION (15 November)

On 15 November [meeting 5078], the Security Council unanimously adopted resolution 1572 (2004). The draft [S/2004/892] was submitted by Chile, France, Germany, Romania, Spain, the United Kingdom and the United States.

The Security Council,
Recalling its resolution 1528(2004) of 27 February 2004, as well as the relevant statements by its President, in particular those of 5 August and 10 November 2004,
Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d’Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,
Recalling that it endorsed the agreement signed by the Ivorian political forces at Linas-Marcoussis, France, on 25 January 2003 (the Linas-Marcoussis Agreement) and approved by the Conference of Heads of State on Côte d’Ivoire, held in Paris on 25 and 26 January 2003, and the agreement signed at Accra on 30 July 2004 (the Accra III Agreement),
Decrying the resumption of hostilities in Côte d’Ivoire and the repeated violations of the ceasefire agreement of 3 May 2003,
Deeply concerned by the humanitarian situation in Côte d’Ivoire, in particular in the northern part of the country, and by the use of the media, in particular radio and television broadcasts, to incite hatred and violence against foreigners in Côte d’Ivoire,
Strongly recalling the obligations of all Ivorian parties, the Government of Côte d’Ivoire as well as the Forces nouvelles, to refrain from any violence against civilians, including against foreign citizens, and to cooperate fully with the activities of the United Nations Operation in Côte d’Ivoire,
Welcoming the ongoing efforts of the Secretary-General, the African Union and the Economic Community of West African States, and encouraging them to continue these efforts in order to re-launch the peace process in Côte d’Ivoire,
Determining that the situation in Côte d’Ivoire continues to pose a threat to international peace and security in the region,
Acting under Chapter VII of the Charter of the United Nations,
1. Condemns the air strikes committed by the national armed forces of Côte d’Ivoire, which constitute flagrant violations of the ceasefire agreement of 3 May 2003, and demands that all Ivorian parties to the conflict, the Government of Côte d’Ivoire as well as the Forces nouvelles, fully comply with the ceasefire;
2. Reiterates its full support for the action undertaken by the United Nations Operation in Côte d’Ivoire and French forces in accordance with their mandate under its resolution 1529(2004) and with the statement by its President of 6 November 2004;
3. Emphasizes again that there can be no military solution to the crisis and that the full implementation of the Linas-Marcoussis Agreement and the Accra III Agreement remains the only way to resolve the crisis persisting in the country;
4. Urges, as a consequence, the President of the Republic of Côte d’Ivoire, the heads of all the Ivorian political parties and the leaders of the Forces nouvelles immediately to begin resolutely implementing all the commitments they have made under those agreements;
5. Expresses its full support for the efforts of the Secretary-General, the African Union and the Economic Community of West African States, and encourages them to continue these efforts in order to re-launch the peace process in Côte d’Ivoire;
6. Demands that the Ivorian authorities stop all radio and television broadcasting inciting hatred, intolerance and violence, requests the United Nations Operation in Côte d’Ivoire to strengthen its monitoring role in this regard, and urges the Government of Côte d’Ivoire and the Forces nouvelles to take all necessary measures to ensure the security and safety of civilian persons, including foreign nationals and their property;
7. Decides that all States shall, for a period of thirteen months from the date of adoption of the present resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d’Ivoire from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not these originated in their territories, as well as the provision of any assistance, advice or training related to military activities;
8. Decides also that the measures imposed by paragraph 7 above shall not apply to:
   (a) Supplies and technical assistance intended solely for the support of or use by the United Nations Operation in Côte d’Ivoire and the French forces supporting them;
   (b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by the Committee established pursuant to paragraph 14 below;
   (c) Supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d’Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;
   (d) Supplies temporarily exported to Côte d’Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d’Ivoire, as notified in advance to the Committee established pursuant to paragraph 14 below;
   (e) Supplies of arms and related materiel and technical training and assistance intended solely for the support of or use in the process of restructuring defence and security forces pursuant to paragraph 5 (f) of the Linas-Marcoussis Agreement, as approved in advance by the Committee established pursuant to paragraph 14 below;
9. Decides further that all States shall take the necessary measures, for a period of twelve months, to prevent the entry into or transit through their territories of all persons designated by the Committee established pursuant to paragraph 14 below who constitute...
a threat to the peace and national reconciliation process in Côte d’Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined to be responsible for serious violations of human rights and international humanitarian law in Côte d’Ivoire on the basis of relevant information, any other person who publicly incites hatred and violence, and any other person determined by the Committee to be in violation of the measures imposed by paragraph 7 above, provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals;

10. Decides that the measures imposed by paragraph 7 above shall not apply to funds, other financial assets and economic resources that are prevented from being made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities;

12. Decides further that the provisions of paragraph 11 above do not apply to funds, other financial assets and economic resources:

(a) That have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources after notification by the relevant States to the Committee established pursuant to paragraph 14 below, or that are held by entities owned or controlled directly or indirectly by the persons designated pursuant to paragraph 9 above by the Committee established pursuant to paragraph 14 below, or that are held by the persons referred to in subparagraph (a) above;

(b) That have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) That have been determined by relevant States to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 11 above or an individual or entity identified by the Committee, and has been notified by the relevant States to the Committee:

13. Decides that, at the end of a period of thirteen months from the date of adoption of the present resolution, the Security Council shall review the measures imposed by paragraphs 7, 9 and 11 above, in the light of progress accomplished in the peace and national reconciliation process in Côte d’Ivoire as defined by the Linas-Marcoussis and Accra III Agreements, and expresses its readiness to consider the Committee’s recommendation on termination of those measures before the aforesaid period of thirteen months only if the Linas-Marcoussis and Accra III Agreements have been fully implemented;

14. Decides also to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (the Committee), to undertake the following tasks:

(a) To designate the individuals and entities subject to the measures imposed by paragraphs 9 and 11 above, and to update that list regularly;

(b) To seek from all States concerned, and particularly those in the region, information regarding the actions taken by them to implement the measures imposed by paragraphs 7, 9 and 11 above, and whatever further information it may consider useful, including by providing them with an opportunity to send representatives to meet with the Committee to discuss in more detail any relevant issues;

(c) To consider and decide upon requests for the exemptions set out in paragraphs 8, 10 and 12 above;

(d) To make relevant information publicly available through appropriate media, including the list of persons referred to in subparagraph (a) above;

(e) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraphs 11 and 12 above;

(f) To present regular reports to the Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 7, 9 and 11 above;

15. Requests all States concerned, in particular those in the region, to report to the Committee, within ninety days of the date of adoption of the present resolution, on the actions they have taken to implement the measures imposed by paragraphs 7, 9 and 11 above, and authorizes the Committee to request whatever further information it may consider necessary;

16. Urges all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 above;

17. Expresses its determination to consider without delay further steps to ensure the effective monitoring and implementation of the measures imposed by paragraphs 7, 9 and 11 above, in particular the establishment of a panel of experts;
18. Requests the Secretary-General to submit a report to the Council by 15 March 2005, drawing on information from all relevant sources, including the Government of National Reconciliation in Côte d’Ivoire, the United Nations Operation in Côte d’Ivoire, the Economic Community of West African States and the African Union, on progress made towards the goals described in paragraph 13 above;

19. Decides that the measures imposed by paragraphs 9 and 11 above shall enter into force on 15 December 2004, unless the Council shall determine before then that the signatories to the Linas-Marcoussis and Accra III Agreements have implemented all their commitments under the Accra III Agreement and are embarked towards full implementation of the Linas-Marcoussis Agreement;

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

The Council, by a 6 December note of its President [S/2004/950], agreed that Gunter Pleuger (Germany) would serve, from 6 to 31 December 2004, as Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) (above) concerning Côte d’Ivoire. The Committee held its first meeting on 6 December [SC/820-APR/1077].

End-of-year developments

Report of Secretary-General (December). The Secretary-General, on 9 December, issued his third progress report on UNOCI [S/2004/362 & Add.1], covering developments since his 27 August report (see p. 184). He continued to report a lack of progress in the implementation of the peace agreements, which was further complicated by the launching of a military operation by FANCI in early November (see p. 185). Following the outbreak of hostilities, actions by the AU, ECOWAS and the United Nations focused on the restoration of calm and security and on facilitating a resumption of dialogue among the Ivorian parties.

On 7 November, President Gbagbo appealed for calm and for demonstrators to return to their homes, and the next day, UNOCI and FANCI resumed joint patrols, both of which contributed to a reduction of tensions. The Ivorian authorities reported that 57 people were killed during the November disturbances. Some 9,000 expatriates left the country, and a number of UN staff were relocated to Accra, Ghana. Throughout the crisis, UNOCI troops maintained contacts with both FANCI and Forces nouvelles.

On 9 November, President Mbeki of South Africa led an AU mission to Abidjan aimed at bringing about a resumption of the peace process. The mission held discussions with President Gbagbo and other leaders. On 11 November, President Mbeki held further consultations in Pretoria, South Africa, with several opposition leaders, and with Burkina Faso’s President on 13 November. Following further meetings in Pretoria on 20 and 21 November with the Secretary-General of the UN, Forces nouvelles’ President Mbeki returned to Côte d’Ivoire on 2 December for a four-day visit to meet with the Ivorian parties and examine proposals for the resumption of the peace process. During that visit, the parties agreed on a plan of action for resuming the peace process.

In other developments, on 14 November, President Obaseki of Nigeria, in his capacity as AU Chairperson, convened a summit in Abuja attended by six regional heads of State, which urged all Ivorian parties to observe the ceasefire and called on the international community to stop the flow of arms to the country.

On 18 November, for the first time since the outbreak of hostilities, the Council of Ministers met under the chairmanship of President Gbagbo. None of the Forces nouvelles’ ministers attended. The meeting examined draft legislation to enact the reforms envisaged under the Linas-Marcoussis Agreement. The second ordinary session of the National Assembly resumed on 29 November.

The National Commission for Disarmament, Demobilization and Reintegration indicated that some 30,000 ex-combatants would participate in the programme, including 28,000 from Forces nouvelles, of which 3,000 were children. However, the programme did not commence as scheduled in October because Forces nouvelles was not prepared to disarm in the absence of progress in the adoption of key constitutional and legal reforms. The rehabilitation of the disarmament, demobilization and reintegration sites in the south were completed, while those in the north were not, due to continued protests and lack of authorization for access. The programme continued to face severe financial difficulties. However, France had provided 1 million euros, which enabled the programme to begin in the eastern region.

On 15 October, the International Commission of Inquiry, established under the Linas-Marcoussis Agreement to investigate all serious violations of human rights and humanitarian law perpetrated in Côte d’Ivoire since 19 September 2002, submitted its report to the United Nations High Commissioner for Human Rights. It was subsequently circulated to the Ivorian parties signatory to that Agreement for their comments and was finalized and submitted to the Secretary-General on 19 November for transmission to the Security Council (see p. 177). During the crisis, the UNOCI public information unit increased its monitoring and analysis of daily media and launched a public information strategy focusing...
on countering disinformation, propaganda and media broadcasts inciting hatred, intolerance and violence.

The Secretary-General observed that the November crisis had strained UNOCI’s capacity to implement its mandate. As an emergency measure, he recommended that the mission be reinforced by an additional infantry battalion of 850 military personnel to act as a reserve force to be stationed in Abidjan. It would be reinforced by an additional aviation unit of both attack and light helicopters and 270 support personnel, as well as a small-boat unit of 30 personnel. He also proposed the deployment of an additional 76 personnel to provide protection to ministers of the Government, bringing the level of the gendarmerie unit to 282. Those adjustments would increase the total UNOCI force to 7,466 military personnel. A formed police unit of 125 personnel was also recommended to assist in protecting of UNOCI headquarters and a level 1+ military medical facility for emergency requirements.

In an addendum to the report [S/2004/962/Add.1], the Secretary-General informed the Council that the financial implications arising from the reinforcement of UNOCI was estimated, on a full-cost basis, at some $27.3 million for the period ending 30 June 2005.

Communication. Côte d’Ivoire, on 21 December [S/2004/988], commented on and raised objections to some of the statements in the Secretary-General’s report, which, it said, failed to take into account several relevant concerns on the ground and to address those expressed by the Ivorian President and Government well before its preparation. Côte d’Ivoire had called for a Security Council meeting on France’s “reprisals” and for an international inquiry to be conducted into the events of 4 to 10 November (see p. 185). It also urged that the French Licorne force be placed under UNOCI command.

SECURITY COUNCIL ACTION (December)

On 16 December [meeting 5081], following consultations among Security Council members, the President made statement S/PRST/2004/48 on behalf of the Council:

The Security Council commends the efforts made by the African Union and, in particular, the personal involvement of Mr. Thabo Mbeki, President of the Republic of South Africa, to promote dialogue and relaunch the peace and national reconciliation process in Côte d’Ivoire. It expresses its full support for the facilitation mission undertaken by President Mbeki on behalf of the African Union.

The Council welcomes the encouraging prospects resulting from these efforts and the commitments made by all Ivorian parties, demands that all Ivorian parties fully comply with their commitments, and underlines that it will monitor with vigilance their full implementation.

The Council reaffirms its conviction that the full implementation of resolution 1572(2004) is a key element in ensuring that all Ivorian parties commit themselves fully to the implementation of the peace and national reconciliation process in Côte d’Ivoire, and deplores the fact that the signatories to the Linas-Marcoussis Agreement and the Accra III Agreement have not implemented by 15 December 2004 all their commitments under the Accra III Agreement.

The Council underlines that any failure by any Ivorian party to respect its commitments made to President Mbeki would constitute a threat to the implementation of the peace and national reconciliation process as defined in the Linas-Marcoussis and Accra III Agreements, and recalls in this regard the measures referred to in paragraphs 9 and 11 of resolution 1572(2004).

The Council requests the Committee established pursuant to resolution 1572(2004) to continue its work, taking fully into account the developments in the peace process in Côte d’Ivoire arising from the facilitation efforts undertaken by the African Union.

In addition, the Council demands that all Ivorian parties stop all incitement to violence and hatred in broadcast, written and other media, and calls upon the Committee to monitor this closely without delay.

The Council also demands that all Ivorian parties ensure freedom of the press and unlimited access to information throughout Côte d’Ivoire.

The Council expresses its intention to consider without delay further steps to ensure the effective monitoring and implementation of the arms embargo imposed by resolution 1572(2004).

The Council expresses its appreciation to the Special Representative of the Secretary-General for Côte d’Ivoire, Mr. Albert Tévoédjré, for his unspiring efforts to support the restoration of a durable peace in Côte d’Ivoire under challenging circumstances.

Later developments. In a later report [S/2005/186], the Secretary-General said that President Gbagbo’s decision in late December to ban street marches and demonstrations in Abidjan for three months helped calm the situation in the city, but the security situation in the country as a whole remained very tense.

Before the completion of its extraordinary session in late December, the National Assembly adopted most of the major legislative reforms (the amendment to the Citizenship Code, the Special Law on Naturalization and the law consenting to a proposed amendment to articles 35 and 55 of the Constitution) envisaged in the Linas-Marcoussis Agreement, which were subsequently promulgated. In that context, the Assembly’s adoption of the amendment to article 35 of the Constitution relating to eligibility of candidates for the presidency was a significant step forward. However, Mr. Gbagbo had repeatedly stated his intention to submit the proposed
amendment to a national referendum. That position was challenged by the opposition parties. The G-7, a group of opposition political parties, further claimed that some of the legislation was not in conformity with the Linas-Marcoussis Agreement and called for the revision of those laws. The Assembly also adopted a new law on the press and one on audio-visual communication. A presidential decree was issued on 24 December changing the status of the Ivorian Radio and Television into a State-owned company.

Communication. On 20 December [S/2004/987], Côte d'Ivoire informed the Security Council that the basic laws called for under the Linas-Marcoussis and Accra III Agreements were approved by the National Assembly on 17 December, and that other related bills would be concluded on 31 December. Côte d'Ivoire reiterated President Gbagbo’s position that the amendment to article 35 required approval in a national referendum. Drawing attention to article 127 of the Constitution which stated that no amendment procedure might be initiated so long as the integrity of the national territory was threatened, it said that, while President Gbagbo wished to finish amending article 35, adherence to the rule of law and the Constitution required that the country be reunified so that the amendment could be put to a referendum.

Monitoring Group (December). On 2 December [S/2004/944], the Secretary-General forwarded to the Security Council the sixth and seventh reports of the tripartite Monitoring Group established under the Accra III Agreement, covering the periods from 15 to 30 October and from 1 to 15 November. The Group noted that the deadline of 15 October passed without the commencement of the disarmament, demobilization and reintegration programme, underscoring the failure of the parties to implement the time frame set under that Agreement. Furthermore, the conditions for the organization of the elections had not been met. The FANCI military operations in early November, followed by retaliatory action by the Licorne force, which destroyed much Ivorian military equipment, led to rising tensions. The resumption of armed hostilities had complicated, if not scuttled, the initiatives that were ongoing in search of a way out of the Ivorian crisis. By mid-November, the atmosphere for negotiations was confused even as reports of consultations and good offices might have otherwise given hope for some compromise.

The situation had not changed much by the end of the month, as the Monitoring Group observed in its eighth report [S/2004/976], covering the period from 16 to 30 November. While the overall military situation had calmed down, the confusion and uncertainties in the general political and social situation had scuttled any local initiatives for restoring dialogue among the Ivorian political actors. The ongoing consultations by President Mbeki (see p. 189) were the only glimmer of hope in the prevailing circumstances, and it was in the interest of the international community to support that AU initiative.

In the report covering activities from 1 to 17 December [S/2005/82], the Group provided information on the broad outlines agreed upon by the Ivorian parties under the five clusters proposed by the AU facilitation mission (2-6 December): the legislative programme; disarmament, demobilization and reintegration; functioning of the Government of National Reconciliation; creating a climate conducive to free political activity and the functioning of State institutions; and restoration of social services and redeployment of administration throughout the country. Under the programme of action, the parties agreed that the Government would forward to the National Assembly all outstanding legislative texts envisaged under the Linas-Marcoussis Agreement. All parties agreed that the disarmament, demobilization and reintegration programme would start immediately and would be carried out in the context of the Agreement reached earlier at Yamoussoukro among the military Quadripartite Commission. Implementation would be the responsibility of the National Commission for Disarmament, Demobilization and Reintegration, although Forces nouvelles insisted that only UNOCI should carry out the exercise in zones under its control. It was agreed that all ministers of the Government should return to their posts and work as a team. However, security had to be improved for their safety. To enhance general security, the parties agreed on joint patrols by FANCI and UNOCI; the “young patriots” should be encouraged to get off the streets; restoration of the regular management of the national television company; and an end to the hate campaign in the media. It was also agreed that measures would be taken progressively to urgently restore social services and public utilities.

UNOCI financing

The Secretary-General submitted the UNOCI budget for the period from 4 April to 30 June 2004 and from 1 July 2004 to 30 June 2005, which amounted to a total of $502,354,400 ($101,063,200 and $401,293,200, respectively) [A/58/788].

ACABQ, in its report [A/58/806] on the proposed budget, recommended that the total be reduced by $205,339,700, bringing the total figure to $297,014,700, due to delayed deployment rates
for military and other personnel and the vacancy rates in authorized posts.

GENERAL ASSEMBLY ACTION (June)

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/831], adopted resolution 58/310 without vote [agenda item 167].

Financial of the United Nations Operation in Côte d’Ivoire

The General Assembly, Having considered the report of the Secretary-General on the financing of the United Nations Operation in Côte d’Ivoire and the related report of the Advisory Committee on Administrative and Budgetary Questions, Resolving Security Council resolution 1328(2004) of 27 February 2004, by which the Council established the United Nations Operation in Côte d’Ivoire for an initial period of twelve months as from 4 April 2004, Recognizing that the costs of the Operation are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations, Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 874(IV-V) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000, Mindful of the fact that it is essential to provide the Operation with the necessary financial resources to enable it to fulfill its responsibilities under the relevant resolution of the Security Council, 1. 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; 2. 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; 3. Emphasizes that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements; 4. Also emphasizes that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates; 5. 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 Operation; 6. 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, subject to the provisions of the present resolution; 7. Requests the Secretary-General to review the organizational and management structures of the Operation and, in this regard, to pay particular attention to the level and functions of the Deputy Special Representative of the Secretary-General posts and provide detailed information thereon in the next budget submission;

8. Takes note of paragraphs 26 to 28 of the report of the Advisory Committee, and requests the Secretary-General to ensure that the functions assigned to the Deputy Special Representatives of the Secretary-General are performed consistent with the mandate of the Operation, until such time as the General Assembly is able to take a decision on the revised organizational structure;

9. Requests the Secretary-General to take all necessary action to ensure that the Operation is administered with a maximum of efficiency and economy;

10. 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 Operation against General Service posts, commensurate with the requirements of the Operation;

Budget estimates for the period from 4 April to 31 December 2004

11. Authorizes the Secretary-General to establish a special account for the United Nations Operation in Côte d’Ivoire for the purpose of accounting for the income received and expenditure incurred in respect of the Operation;

12. Decides to appropriate to the Special Account for the United Nations Operation in Côte d’Ivoire the amount of 96,368,100 United States dollars for the period from 4 April to 30 June 2004 for the establishment of the Operation, inclusive of the amount of 49,943,300 dollars previously authorized by the Advisory Committee under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994;

13. Decides also to appropriate to the Special Account for the United Nations Operation the amount of 211,101,400 dollars, inclusive of 200,646,600 dollars for the maintenance of the Operation for the period from 1 July to 31 December 2004, 8,547,300 dollars for the support account for peacekeeping operations and 1,907,500 dollars for the United Nations Logistics Base for the period from 1 July 2004 to 30 June 2005;

14. Decides further to apportion among Member States the amount of 96,368,100 dollars for the Operation for the period from 4 April to 30 June 2004, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2005, taking into account the scale of assessments for 2004, as set out in its resolution 58/1 of 23 December 2005;

15. Decides 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 14 above, their respective share in the Tax Equalization Fund of 766,900 dollars, representing the estimated staff assessment income approved for the Operation for the period from 4 April to 30 June 2004;

16. Decides also to apportion among Member States the amount of 200,646,600 dollars for the Operation for the period from 1 July to 31 December 2004, in ac-
cordance with the scheme set out in paragraph 14 above:

17. **Decides further** that, in accordance with the provisions of its resolution 57/15(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of $3,588,000 dollars, representing the estimated staff assessment income approved for the Operation for the period from 1 July to 31 December 2004;

18. **Decides to apportion among Member States** the amount of $8,347,500 dollars for the support account and the amount of $1,907,500 dollars for the United Nations Logistics Base for the period from 1 July 2004 to 30 June 2005, in accordance with the scheme set out in paragraph 14 above and taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B;

19. **Decides also** that, in accordance with the provisions of its resolution 57/15(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 18 above, their respective share in the Tax Equalization Fund of $1,354,700 dollars for the period from 1 July 2004 to 30 June 2005, comprising the prorated share of $1,247,300 dollars of the estimated staff assessment income approved for the support account and the prorated share of $107,400 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

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

21. **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 Operation;

22. **Invites** voluntary contributions to the Operation 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;

23. **Decides** to include in the provisional agenda of its fifty-ninth session the item entitled “Financing of the United Nations Operation in Côte d’Ivoire”.

On 23 August [A/59/289], the Secretary-General submitted the UNOCI budget for the period from 1 July 2004 to 30 June 2005, which amounted to $384,350,400 and superseded the budgetary proposals for the same period set out earlier (see p. 191).

ACABQ, in its report [A/59/419 & Add.1], recommended a reduction of $5,877,600 from the proposed budget, for a total amount of $378,472,800 gross ($372,129,600 net), inclusive of the $200,646,600 already appropriated under Assembly resolution 58/310 (above).

**Financing of the United Nations Operation in Côte d’Ivoire**

The General Assembly.

Having considered the report of the Secretary-General on the financing of the United Nations Operation in Côte d’Ivoire and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1528(2004) of 27 February 2004, by which the Council established the United Nations Operation in Côte d’Ivoire for an initial period of twelve months as from 4 April 2004,

Recalling also its resolution 58/310 of 18 June 2004 on the financing of the Operation,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-V) of 27 June 1963, 310(XXVIII) of 11 December 1973 and 55/255 of 23 December 2000,

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

1. **Takes note** of the status of contributions to the United Nations Operation in Côte d’Ivoire as at 30 September 2004, including the contributions outstanding in the amount of $201.2 million United States dollars, representing some 66 per cent of the total assessed contributions, notes with concern that only thirty-one 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 Operation 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 Operation;

8. **Endorses** the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

9. **Authorizes** the Secretary-General to fill the following posts at appropriate grades until 30 June 2005:
against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of 1,316,374 dollars, representing the estimated staff assessment income approved for the Operation for the period from 5 April to 30 June 2005;

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 Operation;

19. Invites voluntary contributions to the Operation 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 keep under review during its fifty-ninth session the item entitled “Financing of the United Nations Operation in Côte d’Ivoire”.

On 23 December, the Assembly, by decision 59/352, decided that the agenda item on UNOCI financing would remain for consideration during its resumed fifty-ninth (2005) session.

**Liberia**

Liberia’s political transition showed measured progress in 2004, as efforts intensified to implement the 2003 Comprehensive Peace Agreement (YUN 2005, p. 192) concluded by Liberia’s Government, the two main rebel groups (the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL)), 18 political parties and civil society leaders. That Agreement, which ended the war and provided for the establishment of a National Transitional Government, was monitored by three mechanisms: the Joint Monitoring Committee, chaired by the Force Commander of the United Nations Mission in Liberia (UNMIL), which assessed the compliance by armed groups with the ceasefire; the Implementation Monitoring Committee, chaired by ECOWAS and charged with monitoring and ensuring implementation of the Agreement; and the International Contact Group on Liberia. UNMIL, established in 2003 with an authorized strength of 15,000, continued to observe and monitor the implementation of the agreed ceasefire, assist in developing cantonment sites and disarmament-combatant, monitor disengagement and cantonment, and facilitate delivery of humanitarian aid. As at 1 December 2004, the Mission’s strength stood at 14,511 troops and 1,104 civilian police.

Throughout 2004, UNMIL made progress in stabilizing Liberia and providing assistance to create the security conditions for the full implementation of the Agreement. The deployment of its troops in
Peace-building efforts

Report of Secretary-General (March). In response to Security Council resolution 1509(2003) [YUN 2003, p. 194], the Secretary-General, on 22 March [S/2004/229], issued his second progress report on UNMIL, covering the period since his previous report of 15 December 2003 [YUN 2003, p. 197]. The Mission, whose task was to stabilize the country and create conditions for the implementation of the other aspects of its mandate, was deployed throughout the country, with the exception of the area along the border with Côte d’Ivoire in Grand Gedeh and Maryland counties. During the reporting period, there was general compliance with the ceasefire in most of the country, except for reports of minor violations by all three armed groups (LURD, MODEL and former Government of Liberia forces) outside the capital, including illegal checkpoints and sporadic shooting, as well as the harassment of civilians, extortion and looting. Security in areas where UNMIL had deployed improved and armed groups in those areas generally respected the ban on the public display of arms.

The Joint Monitoring Committee continued to monitor the ceasefire, maintain dialogue among the armed groups and facilitate contacts between UNMIL and ground commanders of the three factions. It held six meetings during the reporting period to discuss ceasefire violations, preparations for disarmament, demobilization, reintegration and repatriation, and efforts to retrieve looted vehicles from the armed factions. UNMIL pressed the factions to submit lists of their combatants, indicating their locations and military equipment. MODEL and forces of the former Government of Liberia forces indicated that they were finalizing nominal lists, while LURD had yet to provide a response.

The Implementation Monitoring Committee met on 4 March to review preparations for relaunching the disarmament, demobilization, reintegration and repatriation process. UNMIL, ECOWAS and the International Contact Group on Liberia were also working to advance the peace process, calling on all parties to refrain from action that could jeopardize the work of the National Transitional Government, and to turn to the politics of dialogue and accommodation.

The National Transitional Legislative Assembly completed the nomination of 19 of the 23 ministerial positions as allocated by the Agreement. However, the issue of appointments to 84 assistant ministerial positions not provided for under the Agreement continued to be a source of tension between some leaders of the armed factions and Chairman Charles Gyude Bryant of the National Transitional Government. By early March, the Transitional Government submitted 66 nominations to the Transitional Legislative Assembly for those posts, but none had been formally confirmed. The approval process was also complicated by a leadership struggle within LURD.

The situation in Liberia further heightened tension in the region, and Chairman Bryant paid visits to Guinea and Sierra Leone to help revive
cooperation among the Mano River Union (MRU) countries. A meeting of the Force Commanders of UNMIL, UNAMSIL and MINUSTAH was held in Abidjan on 13 February to discuss regional aspects of conflicts, including military coordination in addressing cross-border activities. The Secretary-General’s Special Representatives for Liberia, Côte d’Ivoire, Sierra Leone, Guinea-Bissau and West Africa met in Dakar from 18 to 21 February to review and address cross-border issues, such as the movement of combatants, the use of mercenaries, the circulation of small arms and the repatriation of foreign combatants. The International Contact Group on Liberia, in a statement issued following its 5 February meeting, urged all States in the subregion to prevent their territories from being used by armed elements to destabilize their neighbours and to strengthen subregional cooperation. It urged UNMIL, the Transitional Government and the leadership of the warring parties to contain all Liberian fighters within the territory of Liberia to enable the peace process in neighbouring countries to succeed.

The disarmament, demobilization and reintegration process, which was suspended in December 2003 [YUN 2003, p. 199], was revived at a meeting held on 15 January 2004 among UNMIL, the faction commanders, the Transitional Government, UN agencies and other stakeholders. The meeting agreed that the programme would be contingent on the implementation of a sensitization campaign for combatants; provision by the three armed factions of lists of their combatants, locations and weapons; the establishment of cantonment sites; and adequate deployment of UNMIL troops to provide security. The Technical Coordinating Committee completed the operational plans for the disarmament and demobilization process and identified disarmament and cantonment sites, in conjunction with UNMIL. The Government arranged for the distribution of rice to combatants, for which UNMIL provided logistical assistance. As at 3 March, $11.3 million in pledges had been made to the UNDP Trust Fund for disarmament demobilization, reintegration and repatriation, of which $8 million had been received, but additional funds were urgently needed.

The UNMIL civilian police worked to reestablish police services where the police had been forced to withdraw for security reasons. It also conducted joint force patrols to locations throughout the country. On 12 January, UNMIL launched a training programme for a Liberian interim police force of 400 officers. The civilian police consulted with justice officials to improve conditions in the correctional system, which faced such problems as insufficient prison facilities, untimely processing of cases and a lack of security.

UNMIL assisted the Transitional Government to prepare for the re-establishment of State authority throughout the country. Progress was made in meeting civil servants’ salary arrears, but most ministries still lacked operational facilities, having been looted during the fighting in Monrovia in 2003. UNMIL assisted ministries and other governmental institutions to develop plans for restructuring and enhancing their operational capacities and for restoring civil administration in the interior of the country. Its civil affairs offices helped to resolve disputes over illegally occupied dwellings and land restitution.

The human rights and protection component worked with the gender unit in building the capacity of the Ministry of Gender and Development. It also assisted the Transitional Government in preparing draft legislation for the establishment of the Truth and Reconciliation Commission and other human rights legislation. The Mission’s public information component promoted the peace process through UNMIL Radio, working with national and international media.

With the deployment of UNMIL outside Monrovia, humanitarian access to vulnerable populations in the interior of the country improved. About 12,000 refugees from neighbouring countries returned home spontaneously, raising protection concerns in those parts of the country where UNMIL had not been deployed. The Office of the United Nations High Commissioner for Refugees (UNHCR) led the overall programme for the eventual return and resettlement of refugees and other displaced persons. However, the humanitarian situation in the camps for internally displaced persons around Monrovia, hosting some 250,000 people, was dire. Between November 2003 and January 2004, UN agencies and NGOs relocated about 25,000 internally displaced persons from shelters in Monrovia back to their homes or to recognized camps. An estimated 10,000 internally displaced persons had spontaneously returned from camps to areas that were relatively accessible, such as Bomi, Bong, Margibi and Grand Cape Mount counties. However, they all faced problems of lack of housing, food, tools for farming and poor infrastructure. A number of UN aid agencies were working to meet those challenges.

By early March, UNMIL had undertaken over 50 quick-impact projects in Monrovia utilizing local contractors, and another 45 projects were under review, mainly in the education, health, water and sanitation areas. Support was made...
available by UNDP, the World Bank and UNICEF, among others. A results-focused transition framework addressing Liberia’s short-to-medium-term reconstruction and development needs was presented at the International Reconstruction Conference for Liberia (New York, 5-6 February), where $522 million was pledged for relief and reconstruction.

The Secretary-General concluded that notwithstanding the difficulties encountered in launching the disarmament, demobilization, reintegration and repatriation programme, significant progress was made in improving security, facilitating the delivery of humanitarian assistance and implementing the peace process. He emphasized the need for the parties to work together constructively and refrain from jeopardizing the functioning of the National Transitional Government. He added that there were still many difficult challenges requiring careful management, and the Implementation Monitoring Committee would have to play a more central role in the coming months to facilitate dialogue among the parties and in helping to overcome any obstacles to the peace process.

**Security Council consideration.** On 29 March [S/2004/326], the Under-Secretary-General for Peacekeeping Operations briefed the Security Council during consideration of the Secretary-General’s report. Council members welcomed the significant progress made towards improving security in Liberia, while recognizing that much more remained to be done, especially disarmament, demobilization, reintegration and repatriation, one of the biggest challenges ahead. They noted that the increased stability in the country should encourage the Government to extend State authority throughout Liberia.

**Report of Secretary-General (May).** In May [S/2004/430 & Corr.1], the Secretary-General, updating the information on Liberia since his March report (see p. 196), indicated that UNMIL was able to move into areas previously controlled by LURD elements along the Guinea-Liberia border and along Liberia’s borders with Sierra Leone and Côte d’Ivoire. The ceasefire continued to hold, although the security situation remained fragile, mainly because the disarmament process was yet to be completed. Intra-faction disputes, particularly within LURD, created tension and resulted in some shooting incidents. The Joint Monitoring Committee held five meetings during the reporting period and noted that, while fighting among the armed groups had almost completely ended, intra-faction disputes and criminal activities remained a serious threat to security.

The International Contact Group on Liberia met in London on 11 May to assess progress made in the Liberian peace process. It recognized the need for a subregional approach to resolving many of the issues at hand and, to that end, proposed that the Group’s mandate be expanded to cover not only Liberia but also the wider subregional issues.

Both the National Transitional Government and the National Transitional Legislative Assembly were making sincere efforts to carry out their responsibilities. The major issue of appointments to the Transitional Government, which had strained relations between Chairman Bryant and the armed factions and made it difficult for the Transitional Government to function, was largely resolved. The process of confirming nominees to the 81 assistant ministerial and other executive positions began, and the 21-member Cabinet was formally sworn in on 29 March. However, two seats in the Legislative Assembly remained vacant because of ongoing disagreements among the stakeholders in Grand Kru county and the All Liberian Coalition Party.

On 15 April, UNMIL re-launched the disarmament, demobilization, rehabilitation and reintegration programme at a cantonment site in Gbarnga for LURD combatants. Additional cantonment sites were opened in Buchanan (for MODEL), in Tubmanburg (for LURD) and near Monrovia (for former government forces). Disarmament commenced on 6 May for ex-Government of Liberia militias at Kakata and the next day in the Buchanan cantonment site initially used for MODEL combatants, without major problems. However, on 17 May, riots erupted in Monrovia when a group of armed ex-Government of Liberia combatants, demanding to be transported to a cantonment site to be disarmed, were informed that they were scheduled to undergo the process at a later stage. UNMIL troops and civilian police had to intervene to prevent the situation from escalating. As at 18 May, 17,485 combatants had been disarmed since 15 April, bringing the overall total to nearly 31,000 since December 2003, out of an anticipated caseload of 35,000. Some 14,368 weapons were also surrendered, but there were signs that some of the heavy weapons were not being turned in, while others were being smuggled across Liberia’s borders. Modalities were being finalized for the voluntary reintegration and repatriation of foreign combatants to their countries of origin, with particular attention to the special needs of women and children associated with the fighting forces. With disarmament and demobilization components of the programme on track, UNMIL and others concerned turned their focus to the reintegration as-
pects of the programme, in collaboration with a number of agencies, including UN agencies, the United States Agency for International Development, the EU and NGOs.

In the security sector, the registration of Liberian law enforcement personnel was proceeding on schedule. The process, due to be completed by September, had enabled, as at 1 May, 3,492 members of the Liberian National Police to be registered. UNMIL provided training for 530 officers. A Rule of Law Implementation Committee was established to coordinate the reform of the police, the judiciary and correctional institutions. It was formulating a strategy for the reform and restructuring of the police force, renamed the Liberian Police Service. UNMIL also worked on problems facing the legal and judicial system, including rehabilitation work on the infrastructure of the Temple of Justice in Monrovia and coordinating plans for opening circuit and magistrates courts.

UNMIL continued to work with the Liberian authorities to formulate and execute a comprehensive strategy for the return of government officials to the areas of authority. A task force for the restoration of civil authority was established to formulate a gradual deployment of government officials to all counties.

As preparations for elections continued, an assessment mission was sent to Liberia in April to develop proposals on the UN role in supporting that process. The assessment team drew up proposals for the reform of the electoral system and a possible time line of activities. It recommended that a meeting be held as soon as possible with all signatories to the Agreement to clarify issues such as voter education and registration, constituency delimitation and polling.

Security Council consideration. The Security Council, at a 3 June meeting [meeting 4981] to consider the Secretary-General’s third progress report on UNMIL (see p. 197), was briefed by the Special Representative of the Secretary-General for Liberia, Jacques Paul Klein. He reported that progress had been made in deploying troops throughout Liberia, disarming armed groups and restructuring the law and order institutions, which had exceeded the Mission’s expectations. UNMIL’s deployment throughout Liberia had greatly improved security along its porous borders. The United Nations was pleased that the United States had offered to take the lead in assisting and advising the National Transitional Government on the restructuring of the army. Meanwhile, UNMIL was preparing a draft restructuring scheme, and a draft defence policy was being reviewed. Developments in the surrounding countries were of concern as they negatively impacted on the Liberian peace process.

The improved security situation and the resumption of the disarmament process had enabled humanitarian agencies and human rights groups to extend their activities to formerly inaccessible areas, and displaced people and refugees were returning to their former homes. UNMIL also assisted in the restoration of the judicial system and prisons, with 17 courts being reconstituted in the Monrovia area.

The Special Representative observed that there were numerous challenges ahead, as progress was still fragile. Ensuring weapons handover remained a priority. Until the disarmament, demobilization, reintegration and repatriation programme and the troop deployment process were completed, inter- and intra-factional conflicts might persist in remote parts of the country. The capacity of the Transitional Government to deliver services and extend its authority throughout the country also remained very limited. However, he anticipated no major setback in efforts to bring peace and stability to Liberia.

Security Council mission. The Security Council mission to West Africa (see p. 169), which visited Liberia on 24 June, reported on 2 July [S/2004/525] that it was impressed by the progress made there since the National Transitional Government took office and UNMIL deployment in October 2003. It recognized, however, that the challenges of reconstruction and peace-building were so great that the international community would have to remain engaged for some time to come. The mission identified several immediate priorities for Liberia, the most urgent of which was establishing security, particularly in view of reports of cross-border movements. The mission recommended that UNMIL pay particular attention to monitoring Liberia’s external borders. To help establish government authority throughout the country, it recommended that the remaining UNMIL civilian personnel, including human rights officers, be deployed as soon as possible. It welcomed the United States assistance in military training. The mission encouraged donors to provide financial and technical support for election preparations and underlined the importance of helping women to participate in those elections. It also urged donors to disburse quickly the pledges made at the international donors’ conference on Liberia in February (see p. 915).

In regard to sanctions imposed against Liberia (see p. 204) by Security Council resolution 1521 (2003) [YUN 2003, p. 208], the mission reiterated the Council’s wish to see sanctions ended as soon as the conditions outlined in that resolution were
The third phase of the disarmament and demobilization programme commenced, with disarmament carried out in several remote border areas, and new cantonment sites opened in Zwedru (for MODEL) and Ganta (for the former Government of Liberia forces). Operations at the cantonment sites in Gbarnga (for LURD) and Buchanan (for MODEL) concluded in July. As at 30 August, a total of 71,000 combatants had been disarmed since December 2003. UNMIL had registered 350 foreign combatants, most of whom were from Guinea, Sierra Leone and Côte d'Ivoire. UNMIL worked with UN and other agencies to strengthen linkages between the reintegration of ex-combatants and internally displaced persons and refugees who returned to their communities.

UNMIL also worked with the Liberian National Police Service in recruiting and training police officers. Through quick-impact projects, it helped to facilitate the rehabilitation and reopening of the law school, and provided legal support to committees and organizations to build capacity for good governance, transparency and the supremacy of the rule of law. It also worked with the juvenile justice system by collaborating with national counterparts, through education and legal reform initiatives. UNMIL developed, in collaboration with others, training programmes for justices of the peace, magistrates and circuit and specialized court judges, and strengthened the correctional system.

Some progress was made towards the restoration of State authority throughout the country. UNMIL assisted the national Task Force for the Restoration of State Authority in the Ministry of Internal Affairs in developing and implementing a nationwide programme for that purpose, and helped in the deployment of immigration and customs officials to border crossing points. UNMIL civil affairs officers were deployed to all 15 counties, where they supported the restoration of State authority and the revival of government institutions, including negotiating with members of the armed factions to ensure that they vacated State-owned buildings.

ECOWAS, UNMIL and the National Elections Commission, at a meeting on 31 May, agreed that the Commission would be responsible for conducting elections and that the United Nations would take the lead in coordinating all electoral assistance for the Commission. At subsequent meetings, the Commission determined that there was general consensus that the local elections would take place after the presidential and legislative elections in October 2005 and after the elected government had taken office. On 30 August, the Commission submitted the draft elec-
toral reform legislation to the National Transitional Legislative Assembly. Voter registration was expected to begin in April 2005.

The Secretary-General, while noting the progress made in stabilizing Liberia and in creating the security conditions for implementation of the Comprehensive Peace Agreement, said that he remained concerned about the capacity of the National Transitional Government to deliver basic services and extend civil administration throughout the country. Protracted disputes, including over claims by some ministers that individuals from their respective factions should be nominated to key government and parastatal positions, had hindered the functioning of the Transitional Government, as had the continuing divisions within LURD. Liberia was entering the rehabilitation and reintegration phase of the disarmament, demobilization, reintegration and rehabilitation programme, a vital element in the process of ensuring durable peace and in enhancing subregional security. There were some 70,000 ex-combatants seeking to benefit from the reintegration programme, which was experiencing a funding shortfall. In the light of the new phase of UNMIL operations, focusing on rehabilitation and reintegration, the restoration of State administration nationwide, the strengthening of rule-of-law institutions, promotion of recovery and reconstruction, and the organization of elections, the Secretary-General recommended that the UNMIL mandate be extended for 12 months, until 19 September 2005.

**SECURITY COUNCIL ACTION (September)**


The Security Council,

*Recalling* its previous resolutions and statements by its President on Liberia, including its resolutions 1497(2003) of 1 August 2003 and 1509(2003) of 19 September 2003 and the statement by its President of 27 August 2003, and other relevant resolutions and statements,

*Welcoming* the report of the Secretary-General of 10 September 2004 and its recommendations,

*Recognizing* the critical role the Economic Community of West African States continues to play in the Liberian peace process, and welcoming the support and continued engagement of the African Union and its close coordination with the Economic Community of West African States and the United Nations,

*Noting* the substantial progress made to date in the disarmament phase of the programme of disarmament, demobilization, rehabilitation and reintegration of ex-combatants,

*Recalling* that its resolutions 1521(2003) of 22 December 2003 and 1532(2004) of 12 March 2004 provide for measures against any individuals engaged in activities aimed at undermining peace and stability in Liberia and the subregion,

1. **Decides** to extend the mandate of the United Nations Mission in Liberia until 19 September 2005;

2. **Calls upon** all Liberian parties to demonstrate their full commitment to the peace process and to work together to ensure that free, fair and transparent elections take place as planned no later than October 2005;

3. **Calls upon** the international community to respond to the continuing need for funds for the critically important rehabilitation and reintegration phase and to fulfil pledges made at the International Reconstruction Conference on Liberia, held in New York on 5 and 6 February 2004;

4. **Requests** the Secretary-General through his Special Representative to continue to report periodically to the Council on the progress made by the Mission in the implementation of its mandate;

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

The United States, speaking in explanation of its vote, said that its policy was to ensure that its armed services participating in UN peace operations were protected from criminal prosecution or other assertion of jurisdiction by the International Criminal Court. Normally, it would seek express provisions providing such protection for personnel from States not party to the Rome Statute establishing the Court [YUN 1998, p. 1209]. However, the United States maintained sufficient bilateral protections with Liberia to facilitate its continued participation in UNMIL, absent such express provisions (see p. 198).

**Report of Secretary-General (December).**

The Secretary-General, on 17 December [S/2004/972], issued his fifth progress report on UNMIL, covering developments in Liberia since his 10 September report (see p. 199). During that period, progress was made in implementing the Comprehensive Peace Agreement, including the completion of disarmament and demobilization on 31 October, the formal disbandment of the armed factions on 3 November, the commencement of the repatriation of refugees on 1 October and the resettlement of internally displaced persons on 8 November. State authority was extended to several additional counties and the training of recruits for the new Liberian National Police Service continued.

At the same time, the peace process encountered several major challenges, in particular an outbreak of violence in Monrovia from 28 to 31 October, resulting in destruction of property and loss of life, continued disputes among the LURD leadership, violent demonstrations by various disaffected groups and slow progress in the reintegration of ex-combatants. Progress was also hampered by the limited capacity of the National Transitional Government to provide social serv-
ices and consolidate State authority, disputes among the former armed factions regarding the distribution of government posts, and delays in the passage of the electoral reform bill.

Early reports of the October disturbances indicated that a land dispute might have triggered the rioting, which rapidly assumed ethnic and religious dimensions involving members of the predominantly Mandingo ethnic group. The situation was exploited by disgruntled combatants awaiting reintegration, loyalists of former President Charles Taylor and some elements of the opposing factions within LURD. A number of religious, commercial and residential properties were destroyed during the uprising and 19 people killed. UNMIL initially responded to the riots by deploying its civilian police and Liberian police units, but as the situation escalated, its troops had to undertake robust action to bring it under control. The continuing disagreement among splinter groups within LURD posed serious problems for the peace process, and there were reports that some members were attempting to unseat Chairman Bryant and unravel the peace process. To guard against the derailment of the peace process, UNMIL, in a meeting with other international partners on 15 and 15 October, agreed that the National Transitional Government should be encouraged to address the grievances of the population, specifically: paying civil servants’ salary arrears; instituting measures to address corruption; ensuring transparency in the management of public funds; and improving communication with the public. It urged the National Transitional Government to consult civil society groups, and Chairman Bryant to convene regular Cabinet meetings so as to ensure transparency and inclusiveness in decision-making.

On 18 October, the Implementation Monitoring Committee issued a press statement warning the Liberian factions that the international community would not allow any disruption of the functioning of the National Transitional Government, including the unseating of Chairman Bryant, and drawing attention to the measures provided for in Security Council resolutions 1521(2003) [YUN 2003, p. 208] and 1532(2004) (see p. 204) that would be taken against any individual undermining peace and stability in Liberia and the subregion. On 19 October, the Minister of Justice announced that the National Transitional Government had commenced legal action to freeze the economic assets of the former Commissioner of the Maritime Bureau, Benoni Urey, and the former Finance Minister, Emmanuel Shaw. However, following a legal petition by the two men, the Liberian Supreme Court ordered a suspension of the freeze until a hearing on 2 November. As at 1 December, the Supreme Court had yet to rule on the matter. (See section on sanctions.)

Divisions within LURD deepened on 27 October, when one faction unilaterally elected new executive members for LURD. At the intervention of the Special Representative and regional leaders, the leadership of the two opposing LURD factions were brought together at a 30 October meeting, at which a memorandum of understanding was signed for transforming LURD into a political movement; however, feuding flared up again shortly thereafter.

Meanwhile, there were growing signs of public dissatisfaction with the limited progress of the Government in improving basic living conditions. Several protests occurred linked to low or delayed payment of salaries, labour disputes, poor teaching conditions and high registration fees for high school students.

Following the completion of the disarmament and demobilization exercise, which officially ended on 31 October, 48 commanders from the three armed factions handed in their weapons and demobilized on 2 November. The next day, the three armed factions signed a joint declaration attesting to the completion of disarmament and demobilization and acknowledging the cessation of their military existence with the disbandment of their forces and command structures. As at 1 December, a total of 101,449 combatants had been disarmed and demobilized, including over 22,000 women and nearly 11,000 children, and 27,892 weapons and 33,000 pieces of heavy munitions and unexploded ordnance had been collected. UNMIL continued to make payments to the demobilized combatants, but implementation of an effective rehabilitation and reintegration programme for those ex-combatants remained a major challenge. UNMIL also initiated discussions with neighbouring countries on the repatriation of disarmed combatants who had identified themselves as nationals of those States.

Some progress was made in the restoration of State authority. During the reporting period, Chairman Bryant submitted for confirmation the names of eight nominees for county superintendent posts. UNMIL, in collaboration with UNDP, facilitated the establishment of District Development Councils to enhance community participation in local projects and governance. Meanwhile, the United Nations Office for Project Services assisted in the development of a national plan for reconstruction, including rehabilitation of the free port area in Monrovia. UNMIL also assisted the Government with the deployment of officials, particularly at the border entry
points. However, the deployed officials' ability to function was hampered by a lack of adequate facilities and equipment. UNMIL civil affairs county coordinators continued to support the restoration of State authority and the revival of government institutions.

The National Transitional Legislative Assembly reached its full strength of 76 members, with the 12 October election of the representative for Grand Kru county, thereby fulfilling another provision of the Comprehensive Peace Agreement. The electoral reform bill had not been adopted due to disagreement on the basis to be used for allocating seats (either on the number of registered voters or on actual population figures). The delay hindered preparations for the October 2005 elections.

On 1 October, UNHCR, in collaboration with the Government, began to facilitate the voluntary repatriation of Liberian refugees from neighbouring countries, estimated to total nearly 100,000 by the end of the year. That action followed the signing of agreements between UNHCR and Liberia, Sierra Leone, Côte d'Ivoire, Ghana and Guinea, providing the legal framework for repatriation. In addition, it was estimated that there were more than 260,000 internally displaced persons in Liberia. UN organizations, such as WFP, FAO, UNICEF, WHO and the United Nations Human Settlements Programme (UN-Habitat) increased their deployment throughout the country to bring humanitarian aid to those outside the capital.

The Secretary-General said that the peace process was at a critical juncture, with the focus of attention shifting to the preparations for the October 2005 elections, the need to resettle internally displaced persons and refugees and provide reintegration opportunities for ex-combatants, and further the extension of State authority nationwide. Many serious issues remained to be effectively addressed, so that the gains made so far were not undermined. In addition to paying civil servants' salaries, the Government needed to address corruption and ensure transparency in order to attract donor funding for reconstruction. Consideration should also be given to increasing independent oversight of the Government's public revenue management. The Government should also actively engage and consult with civil society, as part of an overall strategy to enhance public understanding of and promote support for the transition process, expand its authority nationwide and promote reconciliation and religious tolerance among the diverse groups in the country. The reintegration of ex-combatants, largely unemployed and restive, was essential to counter the threat they posed to security and stability.

**UNMIL financing**

2003/04 financial arrangements and performance

In a 12 May note [A/58/792] on financing arrangements for UNMIL for the period from 1 August 2003 to 30 June 2004, the Secretary-General reported that, as at 30 March 2004, expenditures incurred by UNMIL amounted to $237,857,300 gross ($237,260,700 net), or 42 per cent of the $564,494,300 gross ($560,733,400 net) appropriated by the General Assembly for that period to the Special Account for UNMIL in resolution 58/261 A [YUN 2003, p. 200]. It was anticipated that the remainder would be fully utilized and that an additional $114,494,300 would be needed for the budget, as States had been apportioned for only $450,000,000. The Assembly was also requested to approve the reduction in the estimated staff assessment income from $5,210,000 as apportioned to $3,760,900.

On 20 December [A/59/621], the Secretary-General issued a performance report on the UNMIL budget for the period from 1 August 2003 to 30 June 2004. Actual expenditure amounted to $548,178,700, a variance of 2.9 per cent, leaving an unencumbered balance of $16,315,600.

2004/05 budget estimates

On 22 March [A/58/744], the Secretary-General submitted the budget for UNMIL for the period from 1 July 2004 to 30 June 2005, which amounted to $839,711,300, inclusive of budgeted voluntary contributions in kind valued at $120,000.

ACABQ, in its 14 May report [A/58/798], having considered the financial arrangements for the period from 1 August 2005 to 30 June 2004 and the 2004/05 budget, proposed a number of revisions to the budget, particularly for streamlining UNMIL's structure and downgrading five posts. It recommended that the estimated budget requirement be reduced to $821,986,000.

**GENERAL ASSEMBLY ACTION**

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/589/Add.1], adopted resolution 58/261 B without vote [agenda item 165].

**Financing of the United Nations Mission in Liberia**

The General Assembly,

Having considered the reports of the Secretary-General and his note on the financing of the United Nations Mission in Liberia and the related reports of the Advisory Committee on Administrative and Budgetary Questions,
Recalling Security Council resolution 1497(2003) of 1 August 2003, by which the Council decided to establish the United Nations Mission in Liberia in order to ensure the implementation of the mandate and to report thereon in the performance report;

10. Also requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

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

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

12. Decides to appropriate to the Special Account for the United Nations Mission in Liberia the amount of 864,815,900 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of 82,986,000 dollars for the maintenance of the Mission, 35,015,300 dollars for the support account for peacekeeping operations and 7,814,600 dollars for the United Nations Logistics Base;

Financing of the appropriation

13. Decides also to appropriation among Member States the amount of 864,815,900 dollars at a monthly rate of 72,067,991 dollars, in accordance with the levels set out in General Assembly resolution 55/235 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2004 and 2005 as set out in its resolution 58/1 of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Mission;

14. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of 15,634,600 dollars, comprising the estimated staff assessment income of 10,884,900 dollars approved for the Mission, the prorated share of 5,109,600 dollars of the estimated staff assessment income approved for the support account and the prorated share of 440,100 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

Financing of the appropriation for the period from 1 August 2003 to 30 June 2004

15. Takes note of the note by the Secretary-General on the financing arrangements of the Mission for the period from 1 August 2003 to 30 June 2004;

16. Decides to appropriation among Member States the additional amount of 114,494,300 dollars already appropriated for the maintenance of the Mission for the period from 1 August 2003 to 30 June 2004 under the terms of General Assembly resolution 58/261 A, at a monthly rate of 10,408,600 dollars, in accordance with the levels set out in Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/290 A of 20 December 2002 and updated in its resolution 58/256, 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;
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17. Approves the reduction in the estimated staff assessment income approved for the Mission in the amount of 1,449,100 dollars, from 5,210,000 dollars to 5,760,900 dollars;
18. Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;
19. 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;
20. Invites voluntary contributions to the Mission in cash and in the form of supplies and services acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;
21. Decides to include in the provisional agenda of its fifty-ninth session the item entitled “Financing of the United Nations Mission in Liberia”.

2005/06 budget estimates

On 20 December [A/59/630], the Secretary-General submitted proposed budget estimates for the maintenance of UNMIL for the period from 1 July 2005 to 30 June 2006, which amounted to $722,753,600 inclusive of budgeted voluntary contributions in kind in the amount of $120,000.

On 23 December, the General Assembly decided that the agenda item on UNMIL financing would remain for consideration at its resumed fifty-ninth (2005) session (decision 59/552). The Assembly also called on the international community to provide assistance for the rehabilitation and reconstruction of Liberia in resolution 59/219 (see p. 929).

Sanctions

The Security Council received several reports on the implementation of sanctions imposed on Liberia pursuant to Council resolutions 1343 (2001) [YUN 2001, p. 181], 1478 (2003) [YUN 2005, p. 201] and 1521 (2003) [ibid., p. 208]. Those sanctions banned arms and related materiel, military training, the export of Liberian timber products and rough diamonds and international travel of those individuals so designated, who constituted a threat to the peace process in Liberia and the sub-region. On 12 March 2004, the Council imposed further financial sanctions on Charles Taylor and his immediate family (see below).

On 16 January [S/2004/40], the Secretary-General informed the Council, as requested by resolution 1521 (2003), of his appointment of five members of the Panel of Experts established pursuant to resolution 1478 (2003). The Panel was mandated to conduct a follow-up assessment mission to Liberia and neighbouring States, to investigate and report on the implementation of resolution 1521 (2003) and violations of the sanctions, including any violations involving rebel movements and neighbouring countries, and any information relevant to the designation by the Committee established pursuant to resolution 1521 (2003) of the individuals described in the resolution, and the various sources of financing, such as from natural resources, for the illicit trade of arms.

SECURITY COUNCIL ACTION (March)


The Security Council,
Recalling its resolution 1521 (2003) of 22 December 2003 and its other resolutions and the statements by its President on the situation in Liberia and West Africa,
Noting with concern that the actions and policies of former President of Liberia Charles Taylor and other persons, in particular their depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, have undermined Liberia’s transition to democracy and the orderly development of its political, administrative and economic institutions and resources,
Recognizing the negative impact on Liberia of the transfer abroad of misappropriated funds and assets and the need for the international community to ensure as soon as possible, in accordance with paragraph 6 below, the return of such funds and assets to Liberia,
Expressing concern that former President Taylor, in collaboration with others still closely associated with him, continues to exercise control over and to have access to such misappropriated funds and property, with which he and his associates are able to engage in activities that undermine peace and stability in Liberia and the region,
Determining that this situation constitutes a threat to international peace and security in West Africa, in particular to the peace process in Liberia,
Acting under Chapter VII of the Charter of the United Nations,
1. Decides that, to prevent former President of Liberia Charles Taylor, his immediate family members, in particular Jewel Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established pursuant to paragraph 21 of resolution 1521 (2003) (hereinafter “the Committee”) from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States in which there are, at the date of adoption of the present resolution or at any time thereafter, funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at
their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons;

2. Decides also that the provisions of paragraph 1 above do not apply to funds, other financial assets and economic resources:

(a) That have been determined by relevant State(s) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State(s) to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(b) That have been determined by relevant State(s) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee;

(c) That have been determined by relevant State(s) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 1 above or an individual or entity identified by the Committee, and has been notified by the relevant State(s) to the Committee;

3. Decides further that all States may allow for the addition to accounts subject to the provisions of paragraph 1 above of:

(a) Interest or other earnings due on those accounts; and

(b) Payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of paragraph 1 above; provided that any such interest, other earnings and payments continue to be subject to those provisions;

4. Decides that the Committee shall:

(a) Identify individuals and entities of the types described in paragraph 1 above and promptly circulate to all States a list of said individuals and entities, including by posting such a list on the web site of the Committee;

(b) Maintain and regularly update and review every six months the list of those individuals and entities identified by the Committee as being subject to the measures set forth in paragraph 1 above;

(c) Assist States, where necessary, in tracing and freezing the funds, other financial assets and economic resources of such individuals and entities;

(d) Seek from all States information regarding the actions taken by them to trace and freeze such funds, other financial assets and economic resources;

5. Decides also to review the measures imposed by paragraph 1 above at least once a year, the first review taking place by 22 December 2004 in conjunction with its review of the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521(2003), and to determine at that time what further action is appropriate;

6. Expresses its intention to consider whether and how to make available the funds, other financial assets and economic resources frozen pursuant to paragraph 1 above to the Government of Liberia, once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia;

7. Decides to remain actively seized of the matter.

**Implementation of sanctions regime**

Report of Committee established pursuant to resolution 1343(2001). On 23 February [S/2004/199 & Corr.1], the Security Council Committee established pursuant to resolution 1343(2001) concerning Liberia reported to the Council. It was tasked with reporting on any Liberian military or financial support to the Revolutionary United Front (RUF) of Sierra Leone and other rebel movements, including transfer of arms, military training and provision of communications and logistical assistance, as well as on the bans on the travel of key individuals providing support to rebels and the import of Sierra Leone rough diamonds not controlled through the certificate-of-origin regime. The report covered the period from 21 December 2002 to 22 December 2003, when the Council decided, in resolution 1521 (2003), to dissolve the Committee and to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government and progress with the peace process in Sierra Leone. During the reporting period, the Committee received 11 notifications of travel of individuals on the travel ban list and granted 22 of the 29 requests for waivers of the ban. It conducted reviews of the travel ban list on three occasions, and removed the names of two RUF members from the list of persons to be expelled from Liberia. In response to the Council's request, the Committee received a total of 116 replies from States on measures they had taken to implement the travel ban. The Committee sought information from States on alleged violations reported by the Panel of Experts on the Liberia sanctions regime. At its request, the Committee received a report from the Panel of Experts on violations of the embargo on the im-
portation of all round logs and timber products originating in Liberia.

**Report of Secretary-General (April).** In response to Security Council resolution 1478(2003) [YUN 2003, p. 205], the Secretary-General, on 1 April [S/2004/272], reported on Liberia’s compliance with that resolution. Since his 22 April 2003 report [YUN 2003, p. 202], there had been significant developments in Liberia, in particular the resignation of President Charles Taylor on 11 August 2003 and his departure from the country, the signing of the Comprehensive Peace Agreement [ibid., p. 192] and the establishment of UNMIL [ibid., p. 194]. The report also described the dissolution of RUF in Sierra Leone over the previous two years, and its transformation into a political party, the Revolutionary United Front Party. Subsequently, there were reports of former RUF members being recruited to fight in Liberia on behalf of the forces of the Government of Liberia or LURD. However, with the deaths of some RUF fighters, including its leader, Sam Bockarie, the force was substantially weakened. Noting the changed circumstances, the Council had accordingly revised the legal basis of its sanctions and agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate-of-origin regime, thus making the demand contained in paragraph 2(c) of resolution 1343(2001) obsolete. Therefore, the Secretary-General intended to make the report currently before the Council his last, pursuant to paragraph 20 of resolution 1478(2003).

He would report to the Council by 30 May on progress made towards the revised benchmarks for lifting sanctions, in accordance with paragraph 20 of resolution 1521(2003).

**Report of Secretary-General (May).** On 26 May [S/2004/428], the Secretary-General submitted a report pursuant to Security Council resolution 1521(2003) regarding Liberia, covering progress made towards the goals described in paragraphs 5, 7 and 11 of that resolution, which dealt with the imposition of arms, diamond and timber sanctions. The report described progress in a number of areas: disarmament, demobilization, reintegration and repatriation; restructuring the security sector; implementing the Comprehensive Peace Agreement; maintaining stability in Liberia and the subregion; establishing a certificate-of-origin regime for trade in Liberian rough diamonds; and control over the timber-producing areas and use of revenues from the timber industry.

Since its establishment on 14 October 2003, the National Transitional Government had made some encouraging progress towards meeting the objectives contained in paragraphs 5, 7 and 11, the Secretary-General said, notwithstanding a number of serious resource and operational constraints. Much remained to be done to apply and implement the recommendations for reform of the timber sector made by the Timber Sanctions Review Committee. The reform programme needed to be developed into a comprehensive package, with fully defined recommendations, an implementation strategy and timelines. Although some steps had been taken, such as a review of logging concessions, there were still concerns about the current pace of the review process and the way concessions could be awarded by the Government. The Forestry Development Authority would need to ensure transparency in revising all forestry concession agreements to reflect international standards and sustainable forest management practices.

The Government did not have full authority and control over the timber-producing areas. However, with the steady deployment and patrolling of UNMIL forces throughout the country, in particular to logging areas such as Buchanan, Greenville and Zwedru, the Government’s capacity was increasing, although it would take some time to establish local administration in forest areas. The most pressing concerns continued to be the lack of structure, oversight and accountability in the financial management systems of the timber sector.

In the diamond sector, the Government was making gradual progress in preparing its application to join the Kimberley Process for the certification of rough diamonds (see p. 198). In doing so, the Government would need to ensure transparency in its procedures and methods for instituting controls over the export, import and transit of rough diamonds.

**Report of Panel of Experts (June).** The Panel of Experts established pursuant to paragraph 22 of Security Council resolution 1521(2003) concerning sanctions against Liberia transmitted a report to the Council on 1 June [S/2004/396 & Corr.12]. The Panel, having visited the country, said that it found no evidence of weapons trafficking into Liberia since August 2003; however, organized, international smuggling networks remained in place. Disarmament was progressing, but there was a strong possibility that factions might have cached weapons either within Liberia or in neighbouring countries, making regional stability a continuing concern. Therefore, it affirmed that the arms sanctions should remain in place, the ECOWAS moratorium on small arms should be implemented (see p. 166), and the origin of weapons surrendered in the disarmament process should be established. Regarding civil aviation, the Panel said that the Government was
The Forestry Development Authority did not function in the heavily forested south-east of Liberia, and the community’s efforts to facilitate reforms in Liberia were viewed positively. Nevertheless, the imposition of sanctions on diamonds and timber prolonged the conflict. At the same time, the sanctions on diamond smuggling were negligible. The Government had taken steps towards establishing an effective certificate-of-origin scheme for trade in rough diamonds that was transparent and internationally verifiable, with a view to joining the Kimberley Process. The Panel recommended that those positive steps be accelerated by providing financial and technical support.

Sanctions on timber products appeared to be effective, as there was no evidence of widespread exports. However, UNMIL had not deployed to the region, and the Forestry Development Authority did not function outside Monrovia. Given the evidence of the Authority’s past complicity with human rights abuses and widespread corruption, an independent review of the industry was required. The lack of trained personnel suggested that a management company should be appointed to run the Authority. Until the Authority was operational and security achieved, the conditions necessary to lift sanctions would not be met, as the revenue from forestry and the security forces used by logging companies could be a source of regional instability.

In terms of the humanitarian impact, the Panel determined that the sanctions against Liberia had contributed significantly to ending the country’s 14-year cycle of armed conflicts and laying the foundations for lasting peace and good governance. The erosion of former President Taylor’s power base was a direct result of the sanctions, as had been the inability of former warring factions and their expatriate counterparts to use diamonds and timber to prolong the conflict. At the same time, the sanctions on diamonds and timber had had some adverse effects, such as the absence of employment for thousands of Liberians, the loss of tax revenues to the Government and road maintenance opportunities previously provided by logging companies. Nevertheless, Liberians seemed to understand the rationale for their imposition and viewed the international community’s efforts to facilitate reforms in Liberia as positive.

On several occasions throughout the year [SC/8027, SC/8033, SC/8062, SC/8123, SC/8133, SC/8145, SC/8147, SC/8176/Rev.1, SC/8211], the Security Council Committee established pursuant to resolution 1521(2003) approved additions to the list of individuals subject to the travel restrictions imposed by paragraph 4(a) of that resolution.

Security Council consideration. The Security Council, which considered the 26 May report of the Secretary-General on 3 June [meeting 4981], heard a statement by the Special Representative for Liberia, who affirmed that, as part of its mandate, UNMIL monitored progress made by the Government to put in place mechanisms to ensure the proper management of the natural resource industries under sanctions, namely diamonds and timber. He pointed out that the Government badly needed reliable sources of revenue in order to function effectively. Liberia’s long-term security and stability would come only with a robust economy that could offer steady employment for young adults, supported by a responsible, credible, democratic and accountable Government. It was therefore necessary for the international community to provide all necessary support to enable the Government to meet the requirements of resolution 1521(2003).

The Chairman of the National Transitional Government of Liberia, Charles Gyude Bryant, in his address to the Council, made the case for lifting the sanctions, especially those on diamonds and timber. He said that the forestry sector held the greatest short-term promise for job creation and fostering economic recovery, and diamond production was an economic mainstay for a substantial number of people and a foreign exchange earner. He enumerated the steps Liberia had taken to meet the demands of the Council for lifting the sanctions in both industries and drew attention to the fact that the United States had unilaterally lifted sanctions on the importation of diamonds from Liberia.

On 10 June, the Council conducted a mid-term review of the sanctions imposed on Liberia. In a statement of the same day issued by its President [SC/819-AFR/966], Council members acknowledged progress made by the Liberian Government in meeting the conditions for lifting the measures, in particular the diamonds and timber sanctions. While noting that no major violations of the arms embargo and the diamond and timber sanctions had been reported since August 2003, the members felt that the conditions for lifting the sanctions were yet to be fully met. They also noted the views expressed by the Special Representative and the Chairman of the National Transitional Government, and said that the measures were not meant to be punitive but to ensure that the peace process was irreversible. They expressed their readiness to keep the measures on diamonds and timber under regular review with a view to their possible termination, based...
on further evaluation of progress made on the benchmarks established for lifting them.

**SECURITY COUNCIL ACTION (June)**


The Security Council,


Taking note of the report of the Secretary-General on Liberia of 26 May 2004 and the report of the Panel of Experts on Liberia of 17 May 2004, both submitted pursuant to resolution 1521(2003),

Taking note also of the views expressed by the Chairman of the National Transitional Government of Liberia in the Security Council on 3 June 2004 appealing for the lifting of current sanctions on Liberia’s timber and diamond, and the request that Council experts visit Liberia within the next ninety days to assess the performance of the Transitional Government in fulfilling the conditions for the lifting of sanctions,

Decides to re-establish the Panel of Experts appointed pursuant to paragraph 22 of resolution 1521 (2003) for a further period commencing no later than 30 June and ending on 21 December 2004 to undertake the following tasks:

(a) To conduct a follow-up assessment mission to Liberia and neighboring States in order to investigate and compile a report on the implementation, and any violations, particularly ongoing violations, of the measures referred to in paragraphs 2, 4, 6 and 10 of resolution 1521(2003), including any violations involving rebel movements and neighboring countries, and including any information relevant to designation by the Security Council Committee established pursuant to resolution 1521(2003) (hereinafter “the Committee”) of the individuals described in paragraph 4 (a) of resolution 1521(2003), and also including the various sources of financing, such as from natural resources, for the illicit trade in arms;

(b) To assess the progress made towards the goals described in paragraphs 5, 7 and 11 of resolution 1521 (2003);

(c) To monitor the implementation and enforcement of the measures imposed by paragraph 1 of resolution 1532(2004), particularly in Liberia and in neighboring States, as well as in other regions, and to provide the Committee with any information that the Panel acquires which will facilitate the identification of individuals and entities of the types described in paragraph 1 of resolution 1532(2004), and with recommendations on technical assistance that Liberia and other States might require to implement the measures;

(d) To assess the socio-economic and humanitarian impact of the measures imposed by resolutions 1521 (2003) and 1532(2004);

2. Requests the Panel to provide a mid-term report to the Council for its review, through the Committee, no later than 30 September 2004, with its observations and recommendations, taking into consideration progress made towards the goals identified in resolution 1521(2003), in particular in paragraphs 5 and 11 of that resolution, and also requests that the Panel present a final report to the Council, through the Committee, no later than 10 December 2004, covering all the tasks assigned to it in paragraph 1 above;

3. Requests the Secretary-General, upon adoption of the present resolution and acting in consultation with the Committee, to appoint by 30 June 2004 no more than five experts, with the range of expertise necessary to fulfil the mandate of the Panel referred to above, drawing as much as possible and as appropriate on the expertise of the members of the Panel of Experts appointed pursuant to paragraph 22 of resolution 1521(2003), and further requests the Secretary-General to make the necessary financial arrangements to support the work of the Panel;

4. Encourages the National Transitional Government of Liberia to take urgent steps to establish an effective certificate-of-origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable, and urges the Transitional Government to establish its full authority and control over the timber-producing areas and to take all necessary steps to ensure that government revenues from the Liberian timber industry are not used to fuel conflict or otherwise in violation of the resolutions of the Council but are used for legitimate purposes for the benefit of the Liberian people, including development;

5. Reiterates its call upon States, relevant international organizations and others in a position to do so to offer assistance to the National Transitional Government of Liberia in achieving the objectives set forth in paragraphs 5, 7 and 11 of resolution 1521(2003);

6. Reiterates its previous appeals to the international community to provide timely and adequate assistance for the reconstruction and economic recovery of Liberia and, in particular, to redeem the pledges made at the International Reconstruction Conference on Liberia, held in New York on 5 and 6 February 2004;

7. Urges all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties to cooperate fully with the Committee and the Panel of Experts, including by supplying information on possible violations of the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521(2003) and paragraph 1 of resolution 1532(2004);

8. Decides to remain actively seized of the matter.
d’Ivoire and Guinea. However, a pre-audit of the Forestry Development Authority, the Government’s regulatory agency, revealed a complete lack of financial management systems. An independent firm was appointed to provide financial management. The Government, which had, in December 2003, produced a road map of reforms necessary for sanctions to be lifted, reported on progress in meeting those reforms. The Panel pointed out that, without sufficient security, conflict could resume; without financial oversight, misappropriation would facilitate corruption; and without enforcement, timber companies might violate regulations with impunity; therefore reform was required. Because reforms had not been instituted, nor had the conditions set out in Security Council resolution 1521(2003) been met, the Panel recommended that the timber sanctions remain in place.

The Panel reported that illegal Liberian exports of rough diamonds continued to be negligible. That situation was a result of poor weather conditions, concerns regarding overall security in mining areas, particularly as disarmament remained to be completed in those areas, and acute shortages of mining equipment. In August, the National Transitional Legislative Assembly adopted an Act amending the Minerals and Mining Law, providing for controls on the export, import and transit of rough diamonds. In addition, some institutional and technical structures were set up for implementing the Kimberley Process Certification Scheme. In that regard, the Ministry of Lands, Mines and Energy would monitor buying and selling transactions to ensure greater transparency in the flow of diamonds from the mine to the granting of a Kimberley Process certificate and export. A plan was drawn up for establishing mining cooperatives and for training mines inspectors. Overall, the Panel determined that the Government was proceeding well towards meeting the Council’s requirements for lifting sanctions on the export of Liberian rough diamonds. However, its biggest obstacle remained funding for the materials and mechanisms necessary for implementing the Kimberley Process Certification Scheme; without funding, it was unlikely that the Government would be able to meeting those requirements by the end of 2004.

**Security Council consideration.** Following a review of the sanctions on Liberia by the Security Council, the President, in a 7 October press statement [SC/8213-AFR/3045], said that Council members, noting that no violations of the diamond and timber sanctions were reported in recent months, appreciated the Government’s efforts to meet the goals identified in resolution 1521 (2003) for lifting sanctions. They encouraged the Liberian authorities to take the necessary measures to establish full authority and control over the timber-producing areas and to ensure proper utilization of the revenues of the timber industry. While recognizing the need to lift the diamonds and timber sanctions as soon as possible, and acknowledging the progress made so far, Council members concluded that the conditions for lifting them were not fully met and called on the Government to take the necessary steps for meeting those benchmarks.

**Report of Expert Panel (December).** The Panel of Experts transmitted a report to the Security Council on 6 December [S/2004/955], covering the socio-economic and humanitarian situation in the country, the impact of sanctions on that situation, weapons trafficking, the travel ban against certain individuals, diamond mining and trading, and the timber industry. It reported that small quantities of arms imported to Liberia were smuggled in from neighbouring countries, such as Guinea and Sierra Leone, for the purpose of being surrendered in the disarmament, demobilization, reintegration and repatriation process in Liberia. More than 27,000 weapons were recovered, indicating a benchmark return rate of more than 60 per cent.

The Government remained committed to meeting the requirements for lifting the embargo on rough diamonds, but it was hampered by a lack of funding and institutional capacity. With the onset of the dry season and better security, mining activity had increased, much of which was, however, illegal. Reports indicated that the production from those mines was being smuggled through neighbouring countries to reach the international market. There was widespread compliance with timber sanctions. However, the Forestry Development Authority had not completed the reforms required by the Council, such as financial oversight and expansion of its operations to the field. The Panel recommended that the current embargoes on Liberian diamond and timber exports remain in effect.

The Panel criticized the Government’s handling of the national budget, which reflected misplaced priorities. In addition, the Government had not prepared accounts for the previous two budgets, and, from February to June, had allowed excess expenditure of $8.6 million without any allotments from the Bureau of the Budget, nor any supplementary budget approved by the National Assembly. There were also large variations between amounts budgeted and amounts spent and a lack of audits. Among its recommendations, the Panel proposed that UNMIL be empowered to take a proactive stance in identifying...
and publicizing high-level corruption and other violations of public trust, so as to emphasize the importance of and urgent need for accountability and transparency.

The Government had delayed action to freeze the assets of the persons designated by the Security Council, and finally took action against 2 of the 26 persons on the list, and without proper preparation. The Panel, having contacted a number of countries to obtain information about the assets frozen by them, in pursuance of Council resolution 1552(2004), learned that Germany, the United Kingdom and the United States had identified and frozen the assets of three listed individuals.

The Panel was concerned about aircraft registered in Liberia, as it believed that Liberian-registered aircraft were still flying elsewhere in the world for illicit activities. The Panel approved the permanent presence of UNMIL police officers at Robertsfield International Airport to enhance security procedures and allow for overall supervision of airport civilian security personnel.

SECURITY COUNCIL ACTION (December)


The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in Liberia and West Africa,

Taking note of the reports of the Panel of Experts on Liberia of 24 September and 6 December 2004 submitted pursuant to resolution 1549(2004) of 17 June 2004,

Taking note also of the letter dated 13 December 2004 from the Special Representative of the Secretary-General in Liberia to the Chairman of the Security Council Committee established pursuant to paragraph 21 of resolution 1521(2003) of 22 December 2003,

Recognizing the linkage between the illegal exploitation of natural resources such as diamonds and timber, the illicit trade in such resources and the proliferation and trafficking of arms as one of the sources of fuelling and exacerbating conflicts in West Africa, particularly in Liberia,

Recalling that the measures imposed under resolution 1521(2003) were designed to prevent such illegal exploitation from fuelling a resumption of the conflict in Liberia, as well as to support the implementation of the Comprehensive Peace Agreement signed at Accra on 18 August 2003, and the extension of the authority, throughout Liberia, of the National Transitional Government of Liberia,

Expressing its satisfaction that the full deployment of the United Nations Mission in Liberia has contributed to the improvement of security throughout Liberia, while recognizing that the National Transitional Government of Liberia has not yet established its authority throughout Liberia,

Expressing concern that former President of Liberia Charles Taylor and others still closely associated with him continue to engage in activities that undermine peace and stability in Liberia and the region,

Having reviewed the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521(2003) and paragraph 1 of resolution 1532(2004) of 12 March 2004 and the progress made towards achieving the objectives set forth in paragraphs 5, 7 and 11 of resolution 1521 (2003),

Welcoming the steps taken by the National Transitional Government of Liberia towards meeting the conditions established by the Security Council for lifting the measures imposed by resolution 1521(2003),

Noting the completion of demobilization and disarmament, respect for the ceasefire, and implementation of the Comprehensive Peace Agreement, but emphasizing that significant challenges remain in continuing reintegration, repatriation and restructuring of the security sector, as well as establishing and maintaining stability in Liberia and the subregion,

Noting with concern that, despite having initiated important reforms, the National Transitional Government of Liberia has made only limited progress towards establishing its full authority and control over the timber-producing areas and towards ensuring that government revenues from the Liberian timber industry are not used to fuel conflict or otherwise in violation of the resolutions of the Council but are used for legitimate purposes for the benefit of the Liberian people, including development,

Welcoming the start of preparations by the National Transitional Government of Liberia to establish an effective certificate-of-origin regime for trade in rough diamonds that is transparent and internationally verifiable, looking forward to the visit by representatives of the Kimberley Process to Liberia in early 2005, encouraging the Government to continue its preparations in that regard, and urging States to increase their support for its efforts,

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

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

1. Decides, on the basis of its assessments above of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521(2003):

(a) To renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521(2003) for a further period of twelve months from the date of adoption of the present resolution, and to review them after six months;

(b) To renew the measures on timber imposed by paragraph 10 of resolution 1521(2003) for a further period of twelve months from the date of adoption of the present resolution, and to review them after six months in the light of the visit by representatives of the Kimberley Process and the preliminary report of the
Panel of Experts on Liberia, requested in paragraph 8 (f) below, with a view to lifting the measures as soon as possible, when the Council concludes that the National Transitional Government has established an effective certificate-of-origin regime for trade in rough diamonds that is transparent and internationally verifiable;

2. 

Reiterates the Council’s readiness to terminate these measures once the conditions referred to in paragraph 1 above have been met;

3. 

Encourages the National Transitional Government of Liberia to intensify its efforts to meet these conditions, in particular by implementing the Liberia Forest Initiative and the necessary reforms in the Forestry Development Authority, and urges all members of the National Transitional Government to commit themselves to this end for the benefit of the Liberian people;

4. 

Notes that the measures imposed by paragraph 1 of resolution 1532(2004) remain in force to prevent former President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the sub-region, and reaffirms its intention to review these measures at least once a year;

5. 

Reiterates its call upon the international donor community to continue to provide assistance to the peace process, including for reintegration and reconstruction, to contribute generously to consolidated humanitarian appeals, to disburse as soon as possible the pledges made at the International Reconstruction Conference on Liberia, held in New York on 5 and 6 February 2004, and to respond to the immediate financial, administrative and technical needs of the National Transitional Government of Liberia, in particular to assist the Government to meet the conditions referred to in paragraph 1 above, so that the measures can be lifted as soon as possible;

6. 

Restates its demand that all States refrain from any action that might contribute to further destabilization of the situation in the sub-region, and further demands that all West African States take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries;

7. 

Reminds all States of their obligation to implement all the measures under resolutions 1521(2003) and 1532(2004), and particularly urges the National Transitional Government of Liberia to implement without delay its obligations under paragraph 1 of resolution 1532(2004) to freeze the assets of all persons designated by the Security Council Committee established pursuant to paragraph 21 of resolution 1521(2003) (hereinafter “the Committee”);

8. 

Decides to re-establish the Panel of Experts appointed pursuant to resolution 15-49(2004) for a further period until 21 June 2005 to undertake the following tasks:

(a) To conduct a follow-up assessment mission to Liberia and neighbouring States in order to investigate and compile a report on the implementation, and any violations, of the measures referred to in paragraph 1 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521(2003) and paragraph 1 of resolution 1532(2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004);

(c) To assess the progress made towards meeting the conditions referred to in paragraph 1 above;

(d) To assess the humanitarian and socio-economic impact of the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521(2003);

(e) To report to the Council, through the Committee, by 7 June 2005 on all the issues listed in the present paragraph;

(f) To provide a preliminary report to the Council, through the Committee, by 21 March 2005 on progress made towards meeting the conditions for lifting the measures on diamonds imposed by paragraph 6 of resolution 1521(2003);

9. 

Requests the Secretary-General, acting in consultation with the Committee, to appoint as soon as possible no more than five experts, with the appropriate range of expertise, in particular on arms, timber, diamonds, finance, humanitarian and socio-economic and any other relevant issues, drawing as much as possible on the expertise of the members of the Panel of Experts established pursuant to resolution 15-49(2004), and further requests the Secretary-General to make the necessary financial and security arrangements to support the work of the Panel;

10. 

Calls upon the United Nations Mission in Liberia, the United Nations Mission in Sierra Leone and the United Nations Mission in Côte d’Ivoire to continue assisting the Committee and the Panel of Experts in accordance with paragraph 23 of resolution 1521(2003);

11. 

Calls upon all States and the National Transitional Government of Liberia to cooperate fully with the Panel of Experts;

12. 

Requests the Secretary-General to submit a report to the Council by 7 June 2005, drawing on information from all relevant sources, including the National Transitional Government of Liberia, the United Nations Mission in Liberia and the Economic Community of West African States, on progress made towards meeting the conditions mentioned in paragraph 1 above;

13. 

Decides to remain seized of the matter.


Since the adoption of that resolution, the Committee received and approved one request to permit UNMIL to import into Liberia weapons and ammunition to be used in the training of Liberian police. The Committee considered 10 requests for travel-ban waivers, of which 7 were granted. It held quarterly reviews of the travel-ban list established on 16 March 2004, retaining the names of 19 persons and adding five more to
that list. The Committee conducted its first formal review of the assets-freeze list on 17 and 20 December, placing three persons on the list during the reporting period.

The Committee adopted procedures for updating and maintaining its travel-ban list, handling requests for exemptions and conducting reviews of its travel-ban and assets-freeze lists. Fifteen States responded to the Committee’s request for information regarding their actions to enforce the sanctions.

No major violations of the arms embargo were reported, and the diamond and timber sanctions were being largely implemented. No responses had been received to its request to 13 States for information on alleged violations.

Sierra Leone

In 2004, Sierra Leone, building on the progress achieved in 2003 in implementing the provisions of the 2000 Agreement on the Ceasefire and Cessation of Hostilities (Abuja Agreement) [YUN 2000, p. 210], made significant strides in the peace consolidation process in the country, with the completion of the disarmament, demobilization and reintegration process, the holding of local elections, the successful ending of the work of the Truth and Reconciliation Commission, the gradual handover of responsibility for security to the Government and the progressive consolidation of State authority.

The United Nations Mission in Sierra Leone (UNAMSIL) continued in 2004 to assist the Government in re-establishing a functioning State and in meeting the benchmarks for the Mission’s drawdown and eventual withdrawal by the end of 2004. The Security Council, while noting the progress made by Sierra Leone, extended the Mission’s mandate until 30 September. However, recognizing that some major gaps still existed, in particular with regard to the capacity of the Sierra Leone police and armed forces to maintain security and stability, the Council acted on the Secretary-General’s recommendation that the timetable for the drawdown be extended to ensure a more gradual reduction in military strength, thus allowing for a smooth transition to a follow-on mission and eventual assumption by the Government of primary responsibility for national security. The Council decided that a residual UNAMSIL presence would remain in Sierra Leone, for an initial period of six months from 1 January 2005, to be reduced from 5,000 troops at the end of 2004 to 3,250 troops by 28 February 2005.

Throughout 2004, Sierra Leone, with international assistance, worked to increase the size of its police force and to enhance its capabilities so that officers could be deployed to all provinces, including the diamond-mining and border areas. At the same time, the Government took steps to strengthen the operational capacity of its armed forces, to enable it to assume responsibility for external security and to backstop the police in maintaining public order, which allowed it to extend State authority to all 12 administrative districts of the country. However, the judicial system was unable to function effectively due to lack of trained magistrates and other personnel, logistics and infrastructure.

As the security situation remained stable, UNAMSIL was able to hand over to the Government the primary responsibility for security in the north and south of the country first and later in the eastern and western areas, but continued to cooperate with Sierra Leone forces in patrolling and monitoring border areas. The disarmament, demobilization and reintegration programme closed on 31 March after four years, with a total of 54,000 ex-combatants having received benefits.

Other significant achievements recorded by Sierra Leone included the successful holding of local elections on 22 May for the first time in 32 years, the completion by the Special Court for Sierra Leone of two full years of operation in trying those accused of serious human rights abuses and crimes against humanity during the decade-long civil war, the completion in July of the repatriation by UNHCR of Sierra Leonean refugees, mainly from Guinea and Liberia, and the release, in October, of the final report of the Truth and Reconciliation Commission, which provided an analysis of the causes, nature and circumstances that fuelled the war.

Having received reports of gradual and steady progress in the Government’s achievement of the benchmarks, the Council, in September, extended UNAMSIL’s mandate for nine months. It also defined the military, civilian police and civilian tasks of UNAMSIL’s residual presence, which would remain in Sierra Leone for an initial period of six months from 1 January 2005. The Council agreed to review the presence of the residual force in 2005.

UNAMSIL activities

Report of Secretary-General (March). On 19 March [S/2004/228], the Secretary-General issued his twenty-first report on UNAMSIL, in which he outlined his proposals for a residual UN peacekeeping presence in Sierra Leone after the termination of UNAMSIL’s mandate, based on the findings of a UN interdepartmental assessment mission, which visited Sierra Leone (9-19 February) to evaluate progress and collect information.
The mission reported that the drawdown of UNAMSIL, which was scheduled to take place in December, was proceeding according to the plan outlined in resolution 1402(2003) [YUN 2003, p. 277]. While significant progress had been made in meeting the benchmarks [YUN 2002, p. 355] required for that process to continue, some major gaps remained, particularly with regard to the security sector, in consolidating State administration throughout the country and restoring government control over diamond-mining activities. The Sierra Leone police force, with assistance in training and recruiting provided by an international police team, made progress in building its capacity to assume full responsibility for internal security. As of February, some 980 recruits were trained, bringing its strength to 7,115 officers, with the eventual aim of reaching its pre-war level of 9,500 officers. The newly trained police were being deployed to the provinces, especially in areas vacated by UNAMSIL and to the diamond-mining and border areas in the east. The Government re-established a police presence in all provincial and district headquarters and major towns, and intended to deploy police in each chiefdom. UNAMSIL also provided advice on cross-border policing, airport security, criminal intelligence, policy and planning, and juvenile justice. Despite those gains, the national police force was not yet capable of handling widespread public disturbances, particularly in Freetown and the diamond-mining areas. In addition, the force lacked the necessary accommodation and police stations.

With regard to the armed forces, the Government, with international assistance, launched a programme for building their operational capacity to assume responsibility for external security and to backstop the police in maintaining public order. Those measures included the deployment of three brigades to the provinces and border areas; the restructuring of the armed forces to reduce troop strength from 14,000 to 10,500; and forging a cooperative relationship between the armed forces, the National Security Council and the National Security Council Coordinating Group.

UNAMSIL continued to conduct joint patrols and exercises with the Sierra Leone forces and police, but leaders stated that the armed forces were not fully prepared or equipped to take over security responsibilities from UNAMSIL by the end of the year, an assessment shared by all stakeholders and the UN assessment team.

The Government closed the initial programme for the reintegration of ex-combatants on 31 December 2003, with a total of 51,000 individuals having received medium-term reintegration assistance. The majority of the 6,845 child combatants who were demobilized were reunited with their families.

State authority was consolidated, with government officials deployed in all 12 administrative districts of the country and the return of paramount chiefs to their chiefdoms. Magistrate courts were rehabilitated in all districts, but the recruitment of judges and magistrates was hampered by the poor conditions of service. Only five magistrates were assigned to serve the 12 districts. As a temporary measure, justices of the peace, trained with UNDP support, were deployed to 18 locations to perform judicial functions under the supervision of the magistrates. Progress was also made in re-establishing government administrative, security and judicial structures throughout the country, but their capacity to function remained severely limited by the lack of logistics, infrastructure and qualified personnel.

The Government reasserted its control over diamond mining through vigorous law-enforcement measures, including the deployment of mine monitors and wardens in mining areas, and incentives to encourage legal mining. UNAMSIL cooperated with the Government in conducting aerial surveys and ground patrols of mining areas. Among challenges faced by the industry were the fact that more than 50 per cent of diamond-mining activities in the country remained unlicensed and disputes continued among chiefdoms over diamond-mining rights and boundaries.

The assessment mission made suggestions for remedial action that the Government and its partners could take to accelerate progress on the benchmarks, minimize threats to stability and enable national institutions to take primary responsibility for security and national recovery. The Government needed to sensitize the general populace and explain the measures it was taking to address the economic and social challenges, and encourage potential investors, in particular in the agriculture and mining sectors, to create employment opportunities for youth. Preparations for the elections needed to be transparent and the necessary security arrangements put in place. In that respect, UNAMSIL conducted a threat assessment and a security plan was drawn up, in coordination with the Sierra Leone police.

At the subregional level, the MRU countries (Guinea, Liberia and Sierra Leone) should resume dialogue aimed at building subregional security structures and revitalizing the MRU secretariat. The three UN peacekeeping missions in the area (UNAMSIL, UNMIL and MINUCI) should continue cooperating on cross-border issues and in joint planning and sharing of information.
Under consideration were the possibility of “hot pursuit” operations, joint air patrolling, shared border responsibility, the establishment of a subregional reserve force and joint planning for the repatriation of foreign combatants.

In view of its assessment that key security benchmarks would most likely not be met by December, the mission reported that all national and international stakeholders had emphasized the need to maintain a post-UNAMSIL peacekeeping presence to, among other tasks, assist the country in assuming its full responsibilities in the security sector.

The Secretary-General recommended that the UNAMSIL drawdown plan be adjusted to avoid a steep drop in the Mission’s military strength in the remaining phases of the withdrawal process, reducing the military strength gradually from the current level of 11,500 to 5,000 between June and 31 December 2004. A new follow-on mission would be established, whose primary purpose would be to provide back-up security and accompany the transition to national primacy until the Government’s security sector was adequately developed. The post-UNAMSIL peacekeeping mission would focus on three geographical areas: the west, including Freetown; the centre of the country, which was the stronghold of the former Civil Defence Force (CDF); and the east, specifically the border and diamond-mining areas. In the centre, the new mission would act as a deterrent against possible destabilization of the work of the Special Court for Sierra Leone or the Government, by backstop the police in maintaining security, provide security for UN personnel and reinforce the western and eastern areas. In the east, it would compensate for the lack of capacity by the Sierra Leone police and army to fully monitor the border and maintain security in other parts of the country. The mission would consist of three battalions, with 3,250 troops, 141 military observers and 80 civilian police personnel. Certain tasks currently performed by UNAMSIL would be assumed by other UN agencies by the end of 2004, while some of its offices, such as the electoral unit, would be phased out. The new mission would have a public information unit and a political policy and planning unit. It would be headed by the Special Representative of the Secretary-General and supported by a Deputy Special Representative, who would also serve as the UN Resident Coordinator and Humanitarian Coordinator. Wherever UN military observers, civilian police personnel and human rights officers were co-deployed, they would function as integrated units, in close collaboration with the UN country team and its transitional support teams. The proposed mission would remain in Sierra Leone until the end of 2005, with a midyear review.

The Secretary-General invited the Security Council to authorize the establishment of a residual UN peacekeeping operation in Sierra Leone, as well as an appropriate adjustment in the current drawdown plan of UNAMSIL, which would include the retention of 1,500 troops from relevant UNAMSIL support units, for two months, to facilitate a seamless transition to the follow-on mission.

SECURITY COUNCIL ACTION (March)


The draft [S/2004/256] was prepared in consultations among Council members.

The Security Council,
Recalling its resolutions and the statements by its President concerning the situation in Sierra Leone,
Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,
Commending the efforts of the Economic Community of West African States towards building peace in the subregion, and encouraging the Presidents of the member States of the Mano River Union to resume dialogue and to renew their commitment to building regional peace and security,
Expressing its appreciation to those Member States providing troops, civilian police personnel and support elements to the United Nations Mission in Sierra Leone,
Having considered the report of the Secretary-General of 19 March 2004,
Welcoming the significant progress made towards the benchmarks for the drawdown of the Mission, in accordance with Security Council resolutions 1436(2002) of 24 September 2002 and 1492(2003) of 18 July 2003, and commending the Mission for the progress made to date in the adjustments to its size, composition and deployment,
Noting, however, that progress towards the benchmarks remains fragile and some major gaps still remain, in particular with regard to the capacity of the Sierra Leone police and armed forces to maintain security and stability effectively,
Reiterating the importance of the effective consolidation of stability and State authority throughout Sierra Leone, particularly in the sensitive diamond-producing areas and in the border areas, and stressing continued United Nations support to the Government of Sierra Leone in fulfilling these objectives,
Emphasizing the importance of free, fair and transparent local elections in May 2004, and encouraging the Government of Sierra Leone to make the necessary preparations, assisted by the Mission, within its mandate,
Encouraging the Truth and Reconciliation Commission to produce its report as soon as possible, and welcoming the intention of the Government of Sierra Leone to establish a Human Rights Commission thereafter,
Noting the Secretary-General’s analysis of the need for a significantly reduced United Nations peacekeeping presence to remain in Sierra Leone into 2005, the Council:

1. Decides that the mandate of the United Nations Mission in Sierra Leone shall be extended for a period of six months until 30 September 2004;
2. Welcomes the intention of the Secretary-General to adjust the timetable for the drawdown of the Mission during 2004, in order to ensure a more gradual reduction in its military strength, as outlined in paragraph 72 of his report;
3. Urges the Government of Sierra Leone to intensify its efforts to develop an effective and sustainable police force, army, penal system and independent judiciary, so that the Government can rapidly take over from the Mission full responsibility for maintaining law and order throughout Sierra Leone, and encourages donors and the Mission, in accordance with its mandate, to continue to assist the Government in this regard;
4. Also urges the Government of Sierra Leone to continue to strengthen its control over and regulation of diamond mining, including through the High-level Steering Committee;
5. Decides that a residual Mission presence will remain in Sierra Leone, for an initial period of six months from 1 January 2005, reduced from the December 2004 level of 5,000 troops to a new ceiling of 3,250 troops, 141 military observers and 80 United Nations civilian police personnel by 28 February 2005, and requests the Secretary-General to proceed with planning on the basis of the recommendations contained in his report, in order to ensure a seamless transition from the current configuration of the Mission to the residual presence;
6. Affirms its intention to confirm the precise tasks of the residual Mission presence, and the benchmarks for its duration, no later than 30 September 2004;
7. Requests the Secretary-General to provide by 15 September 2004 a progress report, including progress made in the work of the Special Court for Sierra Leone, progress in resolving the conflict in Liberia, further increases in the capability of the Sierra Leone police and armed forces and strengthened cooperation among United Nations missions in the subregion, with recommendations for any modifications that such progress might allow to the size, composition, duration and benchmarks of the residual Mission presence;
8. Welcomes the intention of the Secretary-General to keep the security, political, humanitarian and human rights situation in Sierra Leone under close review and to report to the Council, after due consultation with troop-contributing countries and the Government of Sierra Leone, including by quarterly assessments of progress against the benchmarks for the drawdown of the Mission, including the capacity of the Sierra Leone security sector;
9. Expresses its appreciation for the essential work being carried out by the Special Court for Sierra Leone, notes with serious concern the precarious financial situation of the Court for its third year of operation, and requests all countries to submit their outstanding pledged funds immediately, supports the request by the Secretary-General to the General Assembly to consider a contribution to the financing of the Court from the regular budget, as contained in the report of the Secretary-General to the General Assembly of 15 March 2004, and urges all States to cooperate fully with the Court;
10. Comments the efforts of the Secretary-General to establish cooperation between the United Nations missions in the subregion, and welcomes his intention, set out in paragraph 65 of his report, to submit recommendations to the Council by the end of 2004 on how such cooperation might be strengthened;
11. Requests the Mission to share its experience with the United Nations Mission in Liberia and the United Nations Operation in Côte d’Ivoire and to carry out its mandate in close liaison with them, especially in the prevention of movements of arms and combatants across borders and in the implementation of disarmament, demobilization and reintegration programmes;
12. Decides to remain actively seized of the matter.

Security Council mission. The Security Council mission to West Africa (see p. 169), which visited Sierra Leone on 25 June, reported on 2 July [S/2004/525] that it was pleased to see that significant progress had been achieved in the peace consolidation process in the country. However, the gains remained fragile and considerable challenges still faced the Government, such as widespread unemployment; trials under way at the Special Court for Sierra Leone; control over the diamond-mining areas; and potential external threats from spillover from other conflicts in the region. Noting President Alhaji Ahmad Tejan Kabbah’s hope that the maintenance of UNAMSIL’s presence in the country from January 2005 would allow the Sierra Leone army and police force to strengthen their capacity and resources to assume responsibility for national security, the mission underlined the importance of that goal and encouraged donors to contribute to the restructuring and strengthening of the security sector. It also encouraged donors to contribute to the Court for Sierra Leone, given its importance for long-term reconciliation. The mission stressed the need to address the root causes of the conflict, including through a poverty reduction strategy, the continuing consolidation of State authority throughout the country and anti-corruption measures.

Report of Secretary-General (July). On 6 July [S/2004/536], the Secretary-General, in his twenty-second report on UNAMSIL, noted that the overall political and security situation in Sierra Leone remained stable, allowing the Mission to continue with its drawdown and withdrawal plan to handover to the Government the primary responsibility for security in the Northern and Southern Provinces and to support the national police in those areas. The handover of responsibility for security to the Government in the East-
ern Province and the Western Area (Freetown and outlying parts) was scheduled to take place in August and September, respectively. UNAMSIL and the Government jointly evaluated the security situation at the National Security Council Coordinating Group’s weekly meetings. The Mission worked with the provincial and district security committees and conducted joint exercises with the Sierra Leone police and Republic of Sierra Leone Armed Forces (RSLAF). The security environment in the border areas needed robust patrolling and monitoring, particularly along the border with Guinea, where some Guinean troops had crossed over to engage in farming and hunting inside Sierra Leone.

Local elections were held on 22 May, the first in 32 years, and were contested by 1,115 candidates, the majority of whom belonged to the two main parties, the Sierra Leone People’s Party and the All People’s Congress (APC), as well as 347 independent candidates. The Revolutionary United Front Party did not take part in the elections, reportedly owing to financial constraints. A total of 2,271,435 voters were registered. The elections resulted in 475 posts of councillor being filled in 394 wards nationwide. UNAMSIL provided logistical support for the elections, including land and air transport to most chiefdoms, communications support, technical assistance to the National Electoral Commission (NEC) and election policing, while UNDP funded civic education activities. With a view to preparing for national elections in 2007, NEC requested further technical assistance from the United Nations; an electoral needs assessment mission was dispatched to Sierra Leone in June.

In terms of meeting the benchmarks for the drawdown of UNAMSIL, the Sierra Leone police made progress towards assuming responsibility for the maintenance of law and order. The pace of training and recruitment had accelerated, bringing the total force to 7,903. UNAMSIL continued to assist in raising the professional standards of the police by conducting in-service courses. With other UN agencies, it was also running human rights workshops, RSLAF made progress in restructuring, and the envisaged downsizing from 14,000 to 10,500 by 2007 was on track. UNAMSIL provided training in military policing, vehicle maintenance, information technology and communications.

The disarmament, demobilization and reintegration programme was officially closed on 31 March, with a total of 34,000 ex-combatants having received reintegration benefits over the previous four years. As agreed by Sierra Leone and Liberia, the estimated 500 to 2,000 Sierra Leonean ex-combatants in Liberia would undergo disarmament and demobilization in Liberia, and would have the option of staying or returning to Sierra Leone. A similar choice would be given to the 500 to 800 Sierra Leonean ex-combatants in Côte d’Ivoire.

The Special Court for Sierra Leone commenced joint trials of indictees on 3 June, with the trial of members of the former CDF, including the former Minister of the Interior, Sam Hinga Norman. The trial of members of the former RUF was scheduled to begin in July, while that of the former Armed Forces Revolutionary Council members depended on the appointment of a second trial chamber and the readiness of the defence team. In planning its exit strategy, the Court was negotiating bilateral agreements with several countries for the enforcement of sentences and the relocation of witnesses. Some Governments had already responded positively.

Overall, the Secretary-General found that the Government had made significant progress in consolidating peace and in promoting national reconciliation and economic recovery. He urged the newly elected local councils to become instruments for improving the life of communities. He expressed regret at incidents between the armed forces and the Sierra Leone police as the Government took over responsibility for security from UNAMSIL throughout the country. It was essential for the Government to implement expeditiously its plan for addressing major security sector gaps.

Security Council consideration. At consultations held on 15 July [S/2004/623] on the Secretary-General’s report (above), Security Council members took note of the significant progress in consolidating peace in Sierra Leone, facilitated by the implementation of the UNAMSIL drawdown plan. However, they noted the fragility of the gains made so far and underlined the need for accelerated progress on the key benchmarks.

Report of Secretary-General (September). The Secretary-General, on 9 September [S/2004/728], issued his twenty-third report on UNAMSIL. He stated that the improved security situation enabled the Mission to hand over primary responsibility for security in the Eastern Province to the Government on 4 August. The relationship between RSLAF and the Sierra Leone police improved and measures were taken to improve collaboration between them. The security situation in the border areas remained volatile, with reports of arms smuggling into Liberia from Sierra Leone. The security environment along the border with Guinea was also of concern in the light of reports that some Guinean armed forces were harassing Sierra Leonean civilians. In that regard, the 5 August meeting in Conakry between the two Governments on resolving the
boundary dispute in the area of Yenga was a welcome development. In a meeting on the Yenga issue between President Kabbah and Guinean President Lansana Conté in Conakry on 2 September, the two leaders agreed that the village of Yenga belonged to Sierra Leone, in accordance with the 1912 treaty signed between France and the United Kingdom. On 6 September, the two countries agreed to establish joint investigation and technical committees to prepare reports on the Yenga issue.

In reviewing the transition to a residual UN presence in Sierra Leone and the required benchmarks, the Secretary-General stated that, despite the efforts of the Government and a military training team from the United Kingdom, several factors hampered the operational effectiveness of both the Sierra Leone police and RSLAF. Unless the issues of logistics, communications, accommodation and transport shortfalls were addressed, the security sector would not be able to assume full security responsibilities in the future. RSLAF’s capacity to assume effective responsibility for security against external threats would remain a key benchmark in reviewing the tasks of the residual UNAMSIL presence after 2004. Before UNAMSIL completed its drawdown by the end of 2005, RSLAF should have a fully operational company, with a full complement of vehicles, radios and accommodation, the ability to deploy within 48 hours into border areas to prevent armed incursions, and a fully operational infantry battalion to deploy anywhere in the country in support of the national police within 24 hours. The army would also need to establish a reliable military communications system. By the end of 2005, the police force should have completed all planned deployments to the provinces, attained the planned level of 9,500 personnel and ensured that its units were adequately equipped before UNAMSIL’s withdrawal. Another benchmark for drawdown was the full deployment of the United Nations Mission in Liberia, especially in areas close to Liberia’s border with Sierra Leone. The Secretary-General suggested that the benchmarks be reviewed by mid-2005, with a view to determining further adjustments in UNAMSIL components.

On 29 June, a UNAMSIL civil contractor helicopter carrying 24 UN and non-UN personnel crashed, and all aboard were killed. The cause of the crash was under investigation at the time of the report.

The human rights situation had gradually improved as a result of UNAMSIL’s training and sensitization efforts, in partnership with the Government and local human rights organizations. On 30 July, the Sierra Leone Parliament passed an act establishing the National Human Rights Commission. A Law Reform Commission was also established to review existing laws and to make recommendations for the repeal, amendment or enactment of new laws. The entire justice system needed urgent reform to address the problems of inadequate personnel, lack of access to current legislation and jurisprudence in codified form, respect for human rights in the administration of justice and the lack of resources. On 21 July, 64 former RUF members and 33 of the so-called West Side Boys, detained in Pademba prison for over three years, rioted to protest another postponement of their court appearances. The police brought the situation under control, and a month later, the Government released 16 of them on the advice of the international community.

The Truth and Reconciliation Commission completed its operational mandate, having collected over 8,000 statements on the issues, events and violations of human rights that occurred during the decade-long civil war. The Special Court for Sierra Leone, which had completed two years of operation, began the trial of three members of the former CDF on 3 July and continued with the trial of three former RUF members. The repatriation by UNHCR of Sierra Leonean refugees, mainly from Guinea and Liberia, was completed on 21 July. Since the repatriation began in 2001, UNHCR had repatriated 179,000 refugees, with 25,913 Sierra Leoneans repatriated in 2004. Another 92,000 refugees returned unassisted and an estimated 15,000 opted to stay in other countries. Sierra Leone continued to host some 66,000 Liberian refugees.

The Secretary-General concluded that the overall gradual progress and stable political environment in Sierra Leone continued to facilitate the consolidation of peace. The Government had made significant progress towards accomplishing a number of benchmarks for the withdrawal of UNAMSIL. That situation had permitted a slow increase in economic and commercial activity throughout the country. Further progress would depend on continued support from international donors. In order to continue with the gradual drawdown of UNAMSIL and to ensure a smooth transition from the current configuration of the Mission to its residual presence in Sierra Leone, he recommended that its mandate be extended for nine months, until 30 June 2005.

SECURITY COUNCIL ACTION (September)

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the situation in Sierra Leone,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

Commending the efforts of the Economic Community of West African States towards building peace in the subregion, and encouraging the Mano River Union member States to continue their dialogue aimed at building regional peace and security,

Encouraging the United Nations missions in the region to continue their efforts towards developing inter-mission cooperation, especially in the prevention of movements of arms and combatants across borders and in the implementation of disarmament, demobilization and reintegration programmes,

Having considered the report of the Secretary-General of 9 September 2004,

Welcoming the further progress made towards the benchmarks for drawdown of the United Nations Mission in Sierra Leone, and commending the Mission for the progress made to date in the adjustments to its size, composition and deployment,

Underlining the importance of additional efforts to strengthen the capacity of the Sierra Leone police and armed forces to maintain security and stability effectively,

Underlining also the importance of increasingly close cooperation between the Mission and the United Nations country team in Sierra Leone, to ensure a smooth transition after the final departure of the Mission,

Expressing its appreciation for the essential work of the Special Court for Sierra Leone, noting its vital contribution to the establishment of the rule of law in Sierra Leone, and encouraging all States to cooperate fully with the Court,

Determining that the situation in Sierra Leone continues to constitute a threat to international peace and security in the region,

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

1. Decides that the mandate of the United Nations Mission in Sierra Leone shall be extended until 30 June 2005;

2. Decides also that the tasks of the residual Mission presence, which shall remain in Sierra Leone for an initial period of six months from 1 January 2005, as set out in paragraph 91 of his report of 19 March 2004, shall be the following:

Military and civilan police tasks
— To monitor, in conjunction with district and provincial security committees, the overall security situation, to support the Sierra Leone armed forces and police in patrolling the border and diamond-mining areas, including through joint planning and joint operations where appropriate, and to monitor the growing capacity of the Sierra Leone security sector;
— To support the Sierra Leone police in maintaining internal security, including security for the Special Court for Sierra Leone while the Mission remains deployed in Sierra Leone;
— To assist the Sierra Leone police with its programme of recruitment, training and mentoring designed to strengthen further the capacity and resources of the police;
— To protect United Nations personnel, installations and equipment and ensure the security and freedom of movement of United Nations personnel, within its capabilities and its areas of deployment;

Civilian tasks
— To monitor the repatriation, reception, resettlement and reintegration of Sierra Leonean combatants from abroad;
— To monitor, investigate, report and promote the observance of human rights;
— To disseminate information on the mandate and purpose of the mission and publicize the Government’s primary responsibility for national security, including through United Nations radio;
— To monitor progress towards consolidation of State authority throughout the country;
— To express its intention to review regularly the residual Mission presence against the following benchmarks:
  — Strengthening the capacity of the Sierra Leone armed forces and police to maintain security and stability effectively throughout the country;
  — Consolidating State authority throughout the country;
  — Consolidating the deployment of the United Nations Mission in Liberia throughout Liberia;
— Welcomes the Secretary-General’s assurance, as set out in paragraph 91 of his report of 19 March 2004, that where military observers, civil affairs officers, political affairs officers, human rights officers and civilian police personnel are co-deployed, they will function as integrated units and work in close collaboration with the United Nations country team;
— Urges the Government of Sierra Leone to intensify its efforts to develop an effective and sustainable peace force, armed forces, penal system and independent judiciary, so that the Government can take over from the United Nations Mission in Sierra Leone as soon as possible full responsibility for maintaining law and order throughout Sierra Leone, including in the sensitive diamond-producing areas, and encourages donors and the Mission, in accordance with its mandate, to continue to assist the Government in this regard, as well as to assist the Government in restoring public services throughout the country;
— Welcomes the Secretary-General’s intention to keep the security, political, humanitarian and human rights situation in Sierra Leone under close review and to report regularly to the Council, after due consultations with troop-contributing countries and the Government of Sierra Leone;
— Decides to remain actively seized of the matter.

Report of Secretary-General (December). In his twenty-fourth report on UNAMSIL, issued on 10 December [S/2004/965], the Secretary-General said that, on 23 September, UNAMSIL transferred to the Government primary responsibility for
security in the western area, thereby completing the overall transfer. Consequently, the Mission’s role was readjusted to that of providing support to the national security services. The relationship between the Sierra Leone armed forces and police continued to improve, as the leadership of the two agencies committed themselves, in a 9 August joint communiqué, to enhancing cooperation. However, the issue of the border village of Yenga remained a cause for concern. Despite the 2 September agreement (see p. 216) affirming Sierra Leone’s sovereignty over the village, Guinean armed forces maintained a small presence in the area, and there were reports of Sierra Leonean civilians being harassed by them. The issue continued to generate tensions and had the potential of negatively affecting relations between the two countries.

The drawdown of UNAMSIL remained on track. A national security exercise was held in November to test planning procedures following UNAMSIL’s disengagement, including the operational readiness of the Sierra Leone police and armed forces joint force command. Meanwhile, to ensure a seamless transition from peacekeeping to peace-building in Sierra Leone, UNAMSIL and the UN country team jointly developed a transition plan, identifying priority tasks to be implemented in 2005, with a focus on national capacity-building, strengthening national ownership and ensuring the Government’s lead in the formulation and implementation of policies and programmes in key areas, and ensuring that it addressed the root causes of the conflict.

The final report of the Truth and Reconciliation Commission was presented to President Kabbah on 5 October and subsequently released to the public [ECONOC/640 GA/19267-SC/8227]. The report covered the 10-year conflict, its causes, nature, human rights violations, the role of external actors and circumstances that fuelled the war, such as mineral resources. On 15 October, the Special Court signed its first agreement on the enforcement of sentences, which would allow some of those convicted to serve their sentences outside Sierra Leone. It also concluded a limited number of witness relocation agreements and finalized its work completion strategy. In the justice sector, appointment by the Government of a number of High Court judges would help to expedite adjudication of the large backlog of cases pending before the courts.

The Secretary-General observed that, as Sierra Leone moved from recovery and reconstruction to the development phase, concerted and highly focused actions by the Government and its international partners should address poverty alleviation to ensure that the improvements in the macroeconomic situation had a positive impact on the living standards of the population. The poverty reduction strategy paper, which was being finalized, would provide the framework for such action, while post-conflict aid would need to be followed by adequate longer-term donor assistance and development.

**UNAMSIL financing**

The Secretary-General submitted to the General Assembly at its resumed fifty-eighth (2004) session the performance report on the UNAMSIL budget for 1 July 2002 to 30 June 2003 [A/58/660], which showed that, of a total appropriation of $669,476,400, actual expenditure amounted to $603,085,500, a variance of 9.9 per cent. He also submitted the proposed budget for the maintenance of the Mission for the period from 1 July 2004 to 30 June 2005 [A/58/661], totalling $199,799,800 gross.

ACABQ, having reviewed the reports, recommended on 8 April [A/58/759/Add.3] that the approved appropriation for 2002/03 be reduced to $633,447,400 and that the total apportionment granted by the Assembly for the maintenance of the Mission during the same period be increased from $622,469,200 to $633,447,400. The Assembly should decide on the treatment of other income and adjustments for 2002/03 in the amount of $27,223,300. ACABQ made suggestions for reducing costs and recommended that the estimated budget for the 2004/05 period be reduced from $199,799,800 to $196,982,200.

**GENERAL ASSEMBLY ACTION [June]**

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/829], adopted resolution 58/308 without vote [agenda item 146].

**Financing of the United Nations Mission in Sierra Leone**

The General Assembly,

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

Bearing in mind Security Council resolution 1270 (1999) of 22 October 1999, by which the Council established the United Nations Mission in Sierra Leone, and the subsequent resolutions by which the Council revised and extended the mandate of the Mission, the latest of which was resolution 1537(2004) of 30 March 2004,

Recalling its resolution 53/29 of 20 November 1998 on the financing of the United Nations Observer Mission in Sierra Leone and subsequent resolutions on the financing of the United Nations Mission in Sierra Leone, the latest of which was resolution 57/291 of 18 June 2003,
Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XVIII) of 11 December 1973 and 55/255 of 23 December 2000,

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

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,

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

11. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2002 to 30 June 2003;

12. Decides to reduce the appropriation authorized for the Mission for the period from 1 July 2002 to 30 June 2003 under the terms of its resolution 56/251 B of 27 June 2002 from 699,838,300 dollars to 635,447,400 dollars;

13. Decides also, taking into account the amount of 622,469,200 dollars already apportioned for the period from 1 July 2002 to 30 June 2003 in accordance with the provisions of its resolution 56/251 B and its resolution 57/291 A of 20 December 2002, to apportion among Member States the additional amount of 10,978,200 dollars for the period from 1 July 2002 to 30 June 2003, in accordance with the levels set out in General Assembly resolution 57/235, as adjusted by the Assembly in its resolutions 55/256 of 29 December 2000 and 57/290 A of 20 December 2002, taking into account the scale of assessments for 2002 and 2003, as set out in its resolutions 55/5 of 23 December 2000 and 57/4 B of 29 December 2002;

14. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated increase in the staff assessment income of 250,000 dollars approved for the Mission for the period from 1 July 2002 to 30 June 2003;

15. Decides to approve the decrease in the estimated staff assessment income for the period from 1 July 2002 to 30 June 2003 from 10,678,500 dollars to 9,560,600 dollars;

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

16. Decides also to appropriate to the Special Account for the United Nations Mission in Sierra Leone the amount of 207,246,100 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of 196,982,200 dollars for the maintenance of the Mission, 8,391,200 dollars for the support account for peacekeeping operations and 1,872,700 dollars for the United Nations Logistics Base;

Financing of the appropriation

17. Decides further to apportion among Member States the amount of 207,246,100 dollars at a monthly rate of $7,270,508 dollars, in accordance with the levels set out in General Assembly resolution 55/255, as adjusted by the Assembly in its resolution 55/236 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Mission;

18. Decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 17 above, their respective share in the Tax Equalization Fund of 5,610,700 dollars at a monthly rate of 467,558 dollars, comprising the estimated staff assessment income of 4,280,600 dollars approved for the Mission, the prorated share of 1,224,600 dollars of the estimated staff assessment income ap-
proved for the support account and the prorated share of 105,500 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

19. Decides also that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against their apportionment, as provided for in paragraph 17 above, their respective share of the other income in the amount of 27,223,000 dollars in respect of the financial period ended 30 June 2003, in accordance with the levels set out in General Assembly resolution 55/255, as adjusted by the Assembly in its resolutions 55/296 and 57/290 A, taking into account the scale of assessments for 2003 as set out in its resolutions 55/5 B and 57/4 B;

20. Decides further that, for Member States that have not fulfilled their financial obligations to the Mission, there shall be set off against their outstanding obligations their respective share of the other income in the amount of 27,223,000 dollars in respect of the financial period ended 30 June 2003, in accordance with the scheme set out in paragraph 19 above;

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

22. 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;

23. 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;

24. Decides to include in the provisional agenda of its sixty-ninth session the item entitled “Financing of the United Nations Mission in Sierra Leone”.

The Secretary-General, in August [A/59/286], submitted revised estimates for the UNAMSIL budget for the period from 1 July 2004 to 30 June 2005, consequent upon the Security Council’s decision in resolution 1537(2004) (see p. 234) to retain a residual UNAMSIL presence in Sierra Leone from 1 January 2005. The revised budget amounted to $94,621,400, an increase of $94,621,400.

A/CABQ, in its October report [A/59/417] on the revised budget, recommended approval of the full amount proposed by the Secretary-General.

GENERAL ASSEMBLY ACTION (October)

On 29 October [meeting 46], the General Assembly, on the recommendation of the Fifth Committee [A/59/927], adopted resolution 59/14 without vote [agenda item 136].

Financing of the United Nations Mission in Sierra Leone

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in Sierra Leone and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 1270 (1999) of 22 October 1999, by which the Council established the United Nations Mission in Sierra Leone, and the subsequent resolutions by which the Council revised and extended the mandate of the Mission, the latest of which was resolution 1562(2004) of 17 September 2004,

Recalling its resolution 53/29 of 20 November 1998 on the financing of the United Nations Observer Mission in Sierra Leone and subsequent resolutions on the financing of the United Nations Mission in Sierra Leone, the latest of which was resolution 58/308 of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, S/1101(XVIII) of 11 December 1973 and 55/235 of 23 December 2000,

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

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 Observer Mission in Sierra Leone and the United Nations Mission in Sierra Leone as at 30 September 2004, including the contributions outstanding in the amount of 84.9 million United States dollars, representing some 3 per cent of the total assessed contributions, notes with concern that only thirty-four 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 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 take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

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

Revised budget estimates for the period from 1 July 2004 to 30 June 2005

11. Decides to appropriate to the Special Account for the United Nations Mission in Sierra Leone the amount of $207,246,100 dollars for the maintenance of the Mission for the period from 1 July 2004 to 30 June 2005, in addition to the amount of $207,246,100 dollars already appropriated for the same period under the terms of its resolution 58/308;

Financing of the appropriation

12. Decides also, taking into account the amount of $207,246,100 dollars previously apportioned under the terms of its resolution 58/308, to apportion among Member States the additional amount of $94,621,400 dollars at a monthly rate of $7,885,117 dollars, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003;

13. 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 12 above, their respective share in the Tax Equalization Fund of the amount of $2,096,500 dollars, at a monthly rate of $174,708 dollars, representing the additional estimated staff assessment income approved for the Mission;

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

15. 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;

16. 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;

17. Decides to keep under review during its fifty-ninth session the item entitled "Financing of the United Nations Mission in Sierra Leone".

The Assembly, on 23 December, decided that the agenda item on UNAMSIL financing would remain for consideration at its resumed fifty-ninth (2005) session (decision 59/352).

Financing of Special Court

The Secretary-General, on 26 February [S/2004/182], informed the Security Council of the shortfall in the budget for the third year of operation of the Special Court for Sierra Leone, established in 2002 [YUN02, p. 164] as requested by the Council in resolution 1315(2000) [YUN00, p. 203]. Since voluntary contributions for the operation of the Court, to date, were estimated at only $8 million, the anticipated shortfall was projected between $20 million and $22 million. To address the situation, the Secretary-General proposed that the shortfall for all or part of the third-year costs of the Court be provided by assessment and invited the Council to bring the matter to the attention of the General Assembly.

On 10 March [S/2004/183], the Security Council President informed the Secretary-General that it had no objection to his proposal for supplementing the voluntary contributions for financing the Court.

The Secretary-General, on 15 March [A/58/738], submitted to the Assembly for approval a request for a subvention to the Special Court for Sierra Leone for the period from 1 July 2004 to 31 December 2005 of up to $40 million, of which $16.7 million related to the period from 1 July to 31 December 2004 and the remaining $25.3 million to 2005. The amount requested would supplement voluntary contributions, including those pledged but not yet paid. Any voluntary contributions received would reduce the amount to be assessed.

On 17 March [A/58/7/Add.30], ACABQ, having reviewed the request, recommended that commitment authority be granted in the amount of $16.7 million. ACABQ intended to revert to the matter when it had received a detailed submission, and would provide a detailed recommendation to the Assembly on the required level of financial assistance and the source of financing.

GENERAL ASSEMBLY ACTION (April)

On 8 April [meeting 83], the General Assembly, on the recommendation of the Fifth Committee [A/58/373/Add.1], adopted resolution 58/284 without vote [agenda item 121].

Special Court for Sierra Leone

The General Assembly,

Having considered the report of the Secretary-General on the request for a subvention to the Special Court for Sierra Leone submitted in response to the exchange of letters between the Secretary-General and the President of the Security Council and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Endorses the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report, subject to the provisions of the present resolution, and in this regard requests the Secretary-General to provide the necessary report to the General Assembly at its fifty-ninth session;
2. Authorizes the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed 16.7 million United States dollars to supplement the financial resources of the Special Court for Sierra Leone for the period from 1 July to 31 December 2004, on the understanding that any regular budget funds appropriated for the Court would be refunded to the United Nations at the time of liquidation of the Court should sufficient voluntary contributions be received;

3. Requests the Secretary-General, in concert with the Management Committee, to redouble efforts to raise voluntary contributions to support the work of the Court, and to report to the General Assembly at its fifty-ninth session on progress made;

4. Appeals to Member States, as a matter of urgency, to contribute voluntary funds in support of the Court and to honour existing pledges;

5. Notes that the Court is expected to complete its work by 31 December 2005;

6. Requests the Secretary-General to invite the Court to adopt a completion strategy, and also requests the Secretary-General to inform the Security Council and the General Assembly at its fifty-ninth session about this matter;

7. Invites the Management Committee to review the structure of the Court with a view to minimizing the cost of completing the Court’s work, without adversely affecting the implementation of the legal agreement between the United Nations and the Government of Sierra Leone.

The Secretary-General, as requested in resolution 58/284 (above), reported on 7 December [A/59/554/Add.2] on the request for a subvention to the Special Court. He said that, owing to the continuing availability of voluntary contributions, the Special Court would not require the $16.7 million authorized by the General Assembly for the period ending 31 December 2004. It was anticipated, however, that the Special Court would exhaust its available voluntary contributions and a subvention from the United Nations would be required from early 2005. The Assembly was being requested to appropriate the amount of $20 million for that purpose.

ACABQ, on 10 December [A/59/569/Add.2], reviewed the Secretary-General’s report and recommended that commitment authority be granted in an amount not to exceed $20 million, so that the Court could continue operations until 30 June 2005. The Committee would revert to the matter on the basis of the detailed report to be submitted to the Assembly at its resumed fifty-ninth (2005) session.

The Assembly, in section VII of resolution 59/276 of 23 December (see p. 1583), authorized the Secretary-General to enter into commitments not to exceed $20 million to supplement the financial resources of the Court, with effect from 1 January to 30 June 2005, under special political missions of section 3, Political affairs, of the 2004-2005 programme budget. He should continue to raise voluntary contributions for the Court and submit a progress report at the Assembly’s resumed fifty-ninth session. Member States were asked to continue to provide funds in support of the Court.

Sanctions

The Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) [YUN 1997, p. 135] on Sierra Leone, reported on 27 February [S/2004/166] on its activities in 2003. The Committee sought the views of the Sierra Leone Government and the Special Representative of the Secretary-General on the criteria for reviewing and revising the travel-ban list and on redefining the legal basis of the travel ban. The Committee removed the names of eight persons confirmed deceased from the list and approved one request for an exemption of the travel restrictions. The Committee also considered allegations of violations of the diamond sanctions. In the absence of a specific monitoring mechanism, the Committee urged States and organizations to provide it with pertinent information.

In a later report [S/2005/41], the Committee described its 2004 activities. On 25 February, the Committee issued a revised travel-ban list [SC/8008]. On Sierra Leone’s recommendation, the Committee removed the names of 16 individuals from the list and issued a new one on 20 September [SC/8892]. The Committee reviewed a request from the Special Court for Sierra Leone that five individuals in the Court’s custody be allowed to be granted a waiver so that they could travel abroad for medical treatment, and the Acting Chairman indicated that the Committee would look constructively upon such requests. It considered a notification from the United States [S/2004/395] of the export of non-lethal spare parts for RSLAF helicopters, and information from Argentina on steps it had taken to implement the arms sanctions. On 5 November, the Committee adopted revised guidelines for the conduct of its work.

Guinea-Bissau

In 2004, progress was made towards restoring constitutional rule in Guinea-Bissau through implementation of the terms of the Political Transitional Charter, signed in September 2003 [YUN 2003, p. 227]. The Charter, signed by the Military Committee, 23 of the 24 registered political parties and civil society organizations, set up a Transitional Government and the National Transitional Council, following the coup d’état staged by the military. As called for in the Charter, legis-
lative elections were held in March 2004, and a new Government was formed in May. The Interim President, Henrique Pereira Rosa, and the new Government undertook to restore law and order and institutional stability. Some governmental institutions resumed their functions and preparations began for presidential elections, scheduled for April 2005.

The United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS), headed by the Secretary-General’s Representative for Guinea-Bissau, continued to support the Government’s efforts to monitor internal developments, to promote peace and security, and to coordinate efforts aimed at social and economic development in the country. It reported that the socio-economic situation in Guinea-Bissau remained critical, and the Government lacked the resources to meet expenditure and pay salary arrears of the civil service and armed forces.

Progress in implementing the Transitional Charter was stalled by a military mutiny on 6 October, resulting in the assassination of the Chief of General Staff and the Chief of Human Resources. Condemning the use of force to settle differences, the Security Council urged the political parties to continue working with national authorities to complete the implementation of the Charter before the holding of presidential elections. The Council welcomed the financial support provided by ECOWAS for the payment of some of the salary arrears of military personnel.

By the end of the year, the transitional process was back on track, and the new Government formed after the legislative elections of March made further efforts towards restoring constitutional rule and institutional stability. The executive, legislative and judiciary branches began to function, and progress was made in organizing presidential elections. The Government’s fiscal reforms made it possible for civil servants and the security forces to be paid after a long hiatus. According to the Secretary-General, Guinea-Bissau’s new Government needed assistance in organizing presidential elections, restructuring the security sector and building the capacity of the executive and judiciary branches. To help the Government meet those challenges, he proposed that the UNOGBIS presence in Guinea-Bissau be extended and its mandate expanded. Acting on that recommendation, the Security Council, on 22 December, extended the mandate for one year and revised it. Among its tasks, UNOGBIS would support national reconciliation; promote respect for the rule of law and human rights; support the restoration of constitutional normalcy; assist in elections; strengthen national mechanisms for conflict prevention; support security sector reform; and mobilize international financial assistance.

Elections and new Government

Following the 26 January elections for the President and the Vice-President of the Supreme Court of Justice, legislative elections were held in Guinea-Bissau on 28 and 30 March, a significant step in the implementation of the transitional process due to end with the holding of presidential elections in March 2004. The National Electoral Commission announced on 4 April that the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) obtained 45 seats in the 102-member National Popular Assembly, the party of former President Koumba Yala, the Party of Social Renewal (PRS), 35 seats, the United Social Democratic Party, led by Francisco Fadul, 17 seats, the Electoral Union two seats and the United Popular Alliance (APU) one seat. Thus, none of the parties received an absolute majority. After the ruling by the Supreme Court rejecting claims of fraud by PRS and APU, all parties accepted the results. With the transfer, on 7 May, by the National Transition Council of its power to the newly elected National Popular Assembly and the Assembly’s inauguration, the Council ceased to exist as provided for in the Transition Charter.

Following the inauguration of the Assembly, the President appointed Carlos Gomes Junior, head of PAIGC, as Prime Minister. Mr. Gomes Junior announced a 24-member Government, representing all ethnic groups and including five women.

The EU, in a 2 April statement of its Presidency [S/2004/283], welcomed the calmness and public spiritedness which characterized the electoral process. It found the elections to be fair, free and transparent. The EU reaffirmed its willingness to help Guinea-Bissau in normalizing its economic and social situations.

Developments and UNOGBIS activities

Report of Secretary-General (June). The Secretary-General, in response to Security Council resolution 1233(1999) [YUN 1999, p. 140], reported on 4 June [S/2004/456] on developments in Guinea-Bissau and UNOGBIS. He said that important progress continued to be made towards restoring constitutional order, in accordance with the Transitional Charter provisions. Following the formation of the new Government, the new authorities set priority objectives, among which were the creation of institutional capacity for assuming national responsibility for good governance, accountable and transparent finan-
cial management and the improvement of socioeconomic conditions.

The overall situation in the country remained peaceful; however, the ethnic imbalance within the military, unpaid salary arrears for the security forces and the poor condition of barracks and infrastructure were potentially destabilizing factors. The authorities recognized that the reorganization of the armed forces was one of the country’s top priorities. In that regard, UNOGIS, in collaboration with ECOWAS and bilateral partners, initiated planning for the reform of the armed forces. The reintegration component of the disarmament, reinsertion and reintegration programme was proceeding well and the Government received additional resources from the World Bank to increase the number of beneficiaries to 7,576 from 4,372.

Among efforts to reinforce national capacity for the protection and respect of human rights, UNOGIS helped to develop a National Human Rights Action Plan to be submitted to the National Popular Assembly. UNOGIS followed closely the cases of 20 persons accused of attempted coups d’état and arbitrarily detained since December 2002, given that many of them had not been formally charged. UNOGIS received assurances that the trial of the detainees would proceed in criminal courts to avoid further delays, as the military tribunal lacked logistical and financial means.

The economic situation in Guinea-Bissau remained difficult, with two out of three people living in poverty. To respond to the country’s economic and budgetary crisis, the Transitional Government, supported by IMF, the World Bank, the African Development Bank and UNDP, formulated an emergency budget for 2004 and an emergency economic management plan. To support the country in the implementation of that plan, a multi-donor Emergency Economic Management Fund for Guinea-Bissau, initiated by the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council, was set up to enable the Government to resume social services and key public administration activities. The Fund, administered by UNDP and expected to be operational until the end of 2004, had so far received just over $4 million of the $18.3 million required.

The Secretary-General observed that the democratization process in Guinea-Bissau remained fragile. It lacked the resources to strengthen the capacity of State institutions to address the country’s deep-rooted structural problems. The country needed the support of the international community to complete the transition to constitutional order.

**Ad Hoc Advisory Group.** The Ad Hoc Advisory Group on Guinea-Bissau issued two reports [E/2004/10, E/2004/92], highlighting its efforts to assist the country with its development priorities. The Economic and Social Council in resolution 2004/1 of 3 May (see p. 935), and resolution 2004/61 of 23 July (see p. 936), called on donors to support Guinea-Bissau’s development efforts, including through the Emergency Economic Management Fund. The Economic and Social Council drew the Security Council’s attention to the Group’s work in a 2 November letter (S/2004/898).

**Security Council consideration.** On 6 April, the Security Council was briefed, during informal consultations, on the situation in Guinea-Bissau by David Stephen, the Representative of the Secretary-General and Head of UNOGIS. In a press statement issued that day [SC/8054-AFR/887] by the President, Council members took note of the announcement by the PAIGC leader of the party’s intention to form a broad-based government and urged all the Guinean actors to work together for a smooth completion of the transitional period. Members commended ECOWAS for its mediation and facilitation role, as well as for the timely and constructive contribution brought to the political environment immediately after the elections. They also expressed concern at the persistence of serious economic difficulties in Guinea-Bissau and appealed to the international community to consider the situation in the country as a matter of urgency, requiring strengthened support of its economic reconstruction and rehabilitation efforts.

**SECURITY COUNCIL ACTION (June)**

On 18 June [meeting 4992], following consultations among Security Council members, the President made statement S/PRST/2004/20 on behalf of the Council:

The Security Council, recalling its previous statements on Guinea-Bissau, in particular the statement by its President of 19 June 2005, welcomes the report of the Secretary-General of 4 June 2004 on developments in Guinea-Bissau and on activities of the United Nations Peace-building Support Office in that country.

In this regard, the Council expresses its satisfaction regarding progress made by national authorities towards restoring constitutional order, in accordance with the Transition Charter provisions and calendar, in particular the installation of a new National Popular Assembly and a new Government, thus completing the first phase of the transitional process due to end with the holding of presidential elections by March 2006, and generating the environment for growing international confidence and support.
The Council acknowledges, with appreciation, the manner in which the country’s principal actors and the political forces managed to reach consensus on critical political challenges they faced during and after the elections, and encourages them to stay the course.

The Council also encourages all parties, and the new Government established on 12 May 2004, to faithfully adhere to the provisions of the Transition Charter in order to achieve and consolidate national reconciliation and to ensure the full restoration of constitutional order. It further encourages the authorities to continue to strengthen the rule of law and respect for human rights and to resolve outstanding human rights issues.

The Council commends the national authorities and the people of Guinea-Bissau for their continued commitment and dedication to democracy.

The Council expresses, nonetheless, its concern with the fragility of the democratization process in Guinea-Bissau, due mainly to the country’s deep-rooted structural problems, including the weakness of State institutions and structures, as well as the persistent economic and social crisis.

The Council further expresses its concern about the need to improve the situation of the military, in particular the payment of salary arrears, which continues to be seen as a potentially destabilizing factor. It welcomes the Government’s commitment to make all efforts aimed at addressing the issue of salary arrears and the reorganization of the national armed forces and invites the international community to fully support such efforts.

The Council welcomes the improved dialogue between the Government of Guinea-Bissau and the Bretton Woods institutions, and urges the Government to continue to implement its commitments in the areas of fiscal responsibility and good governance. It highlights the importance that those efforts be matched by the resumption of adequate levels of international assistance.

The Council acknowledges and also welcomes the assistance provided to Guinea-Bissau by bilateral and multilateral partners, in particular the United Nations Development Programme and the World Bank, and encourages their enhanced constructive involvement in the country.

The Council underlines the importance it attaches to the organization of a round-table conference to take place in the last quarter of 2004, which it considers of utmost relevance to addressing some of the most urgent needs of Guinea-Bissau. In the interim, the Council reiterates its appeals to the international community to contribute financially to the Emergency Economic Management Fund for Guinea-Bissau, managed by the United Nations Development Programme.

The Council recognizes and commends the work of the United Nations Peace-building Support Office in Guinea-Bissau and the entire United Nations country team for their outstanding support and contribution to the process of normalization of the political situation and stability in Guinea-Bissau.

The Council reaffirms the importance of the regional dimension in the solution of the problems faced by Guinea-Bissau, and, in this regard, welcomes the role being played by the African Union, the West African Economic and Monetary Union, the Economic Community of West African States and the Community of Portuguese-speaking Countries in the peace-building process in Guinea-Bissau.

The Council also commends the efforts by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Council, the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Group of Friends of Guinea-Bissau aimed at assisting the country to address both its short-term post-conflict crisis and longer-term development goals.

The Council looks forward to conclusions and recommendations of its mission to West Africa, which includes Guinea-Bissau.

Security Council mission. The Security Council mission to West Africa (see p. 169) visited Guinea-Bissau on 27 and 28 June, jointly with the Economic and Social Council’s Ad Hoc Advisory Group on Guinea-Bissau and the Group of Friends of Guinea-Bissau. In its 2 July report [S/2004/525], the mission welcomed the progress in the political transition and commended the Government’s efforts to meet its short-term priorities, including paying current salaries to civil servants and the armed forces and ensuring accountability and transparency in the management of public funds.

The mission noting that the overall situation in the country remained fragile, despite the progress made in the transition, highlighted the remaining major challenges as restructuring the armed forces into a professional force; strengthening national public institutions; redressing social and economic inequities; promoting inclusive internal political dialogue; and mobilizing resources from bilateral and multilateral sources, to promote social and economic development and to ensure regular payment of salaries to civil servants and the military.

The mission recommended that development partners and donors, including the Bretton Woods institutions (the World Bank Group and IMF) and the EU, should help Guinea-Bissau to meet its most immediate needs; the Government and IMF should discuss resuming an IMF programme; UNDP should assist in preparing for the round-table conference to take place late in 2004; the Government should strengthen a culture of good governance, democracy and respect for the rule of law and human rights; and bilateral and/or multilateral partners should support the restructuring of the armed forces. The mission also recommended that the Ad Hoc Advisory Group on Guinea-Bissau and the Security Council continue to monitor and support political, economic and social developments in Guinea-Bissau. ECOWAS was called on to include Guinea-
Bissau in regional policies for containing the proliferation of small arms and other security threats in the region.

The Security Council considered the mission’s report on 16 July [meeting 5065].

**Appointment.** On 1 September [S/2004/713], the Secretary-General informed the Security Council of his intention to designate Jono Bernardo Honwana (Mozambique) as his Representative in Guinea-Bissau and Head of UNOGBIS as from 15 September, to succeed David Stephen, who retired on 14 August. On 3 September, the Secretary-General [S/2004/714], took note of the Secretary-General’s intention.

**Military revolt**

On 6 October, a group of military officers led a revolt, which resulted in the assassination of the Chief of General Staff, General Verissimo Correia Seabra, and the spokesman for the armed forces, Colonel Domingos de Barros.

The officers involved stated afterwards that their actions had been motivated mainly by grievances over salaries, poor living conditions and corruption in the military hierarchy. They insisted that the mutiny had not been a coup d’état or aimed at changing the political status quo. Subsequently, they sought, and obtained from the authorities, the appointment of Major General Tagme Na Waie as new Chief of General Staff. General Tagme and new chiefs of the navy, air force and army were sworn in on 11 November, ending the month-long vacuum of military leadership. The appointments, however, were viewed as caving in on the part of the civilian authorities to pressures from the military and as a sign of further erosion of the authority of the constitutional Government and its institutions. In addition, misgivings were expressed about impunity following the Government’s commitment in a memorandum of understanding, signed with the military, to a possible amnesty for all involved in military interventions since 1980.

Following the installation of the new officers, the interim President underlined the importance of proceeding with the long-planned reform of the armed forces, a goal endorsed by the new Chief of General Staff, who announced the military leadership’s readiness to work towards reform. ECOWAS and the Community of Portuguese-speaking Countries provided material and technical assistance to the Government of Guinea-Bissau after the mutiny, including a cash donation of $500,000 towards paying some of the salary arrears owed to the military. The Community dispatched a good offices mission to Bissau on 15 November to assist the civilian and military authorities to find peace.

**Security Council consideration.** The Security Council was briefed by the Assistant Secretary-General for Political Affairs on the developments that took place on 6 October. In a 7 October statement of the President [SC/8213- Afr/3047], Council members expressed concern over the tragic events at a time when Guinea-Bissau was making steady progress towards the full restoration of constitutional order. They condemned the use of force to settle long-standing problems in the military sector and the subsequent loss of life. They called on all concerned to come to a speedy agreement consistent with respect for constitutional authority and the rule of law.

**SECURITY COUNCIL ACTION (October)**

On 2 November [meeting 5069], following consultations among Security Council members, the President made statement S/PRLST/2004/41 on behalf of the Council:

The Security Council expresses its deep concern at developments in Guinea-Bissau that led to the killings, on 6 October 2004, of the Chief of General Staff of the Armed Forces, General Verissimo Correia Seabra, and of the Chief of Human Resources, Colonel Domingos de Barros. The Council condemns in the strongest terms such use of force to settle differences or address grievances and, bearing in mind the position of the African Union on unconstitutional changes of government, as stated in the 1999 Algiers Declaration and the 2000 Lomé Declaration, calls upon the Guinea-Bissau parties to refrain from attempting to seize power in Guinea-Bissau.

The Council takes note of the signature of a memorandum of understanding, in Bissau, on 10 October 2004, and of the establishment of a commission to monitor its implementation, and underlines that the Government of Guinea-Bissau and national authorities must remain committed to the promotion of the rule of law and to the fight against impunity, including when considering ways of implementing the above-mentioned agreement.

The Council urges all political parties to continue working, in good faith, with national authorities to complete the implementation of the Political Transition Charter before the holding of presidential elections by April 2005.

The Council reaffirms that peace and stability in Guinea-Bissau are critical for peace and security in the West African subregion. As the Government of Guinea-Bissau tackles the military, political, institutional and economic problems that are responsible for recurrent political turmoil and instability in Guinea-Bissau, the Council underlines the importance of addressing their root causes as well as finding immediate solutions to improve the situation in the short term.

The Council stresses the need for urgent measures by the international community to assist the Government of Guinea-Bissau to overcome the present crisis, in particular to reinforce the capacity of legitimate authorities to maintain political stability.
and to determine sound solutions to the country’s most urgent and fundamental challenges, particularly the restructuring of the Armed Forces, the strengthening of the State and its institutions and the promotion of social and economic development.

The Council welcomes the timely financial support already provided by the Economic Community of West African States and its members to the Government of Guinea-Bissau towards the payment of salary arrears due to military personnel. The Council calls upon international donors to contribute urgently to the Government of Guinea-Bissau’s budget for civil service and military salaries and also encourages them to contribute to the Emergency Economic Management Fund, managed by the United Nations Development Programme.

The Council also takes note, with appreciation, of the recent visit of a fact-finding mission from the Community of Portuguese-speaking Countries to Guinea-Bissau.

The Council reiterates its call upon the international community to maintain its confidence in the process of democratic consolidation in Guinea-Bissau and to uphold its commitments to development in that country, particularly through its active preparation for and participation in the round-table conference scheduled to take place next December, in Brussels.

The Council reaffirms its full support for the Representative of the Secretary-General in Guinea-Bissau and indicates its intention to consider suitable ways of improving the role of the United Nations Peacebuilding Support Office in Guinea-Bissau in the promotion of peace and security, as well as in the coordination of efforts aiming at social and economic development in the country.

The Council requests the Secretary-General to submit to the United Nations, in his next report on the Support Office and the situation in Guinea-Bissau, suggestions on what contribution the United Nations could make towards an active and coordinated international effort to assist Guinea-Bissau.

**Report of Secretary-General (December).**

The Secretary-General, in his 15 December report on developments in Guinea-Bissau and UNOGIS activities [S/2004/969], said that prior to the mutiny of 6 October (see p. 227), the political situation in that country showed signs of progress and promise towards restoring constitutional rule and institutional stability. The executive, legislative and judiciary branches began to function within the parameters of the powers envisaged in the Constitution. The National Electoral Commission was established to organize polls and presidential elections in 2005, which would complete the political transition and mark the full restoration of constitutional normalcy. The military mutiny jeopardized those and other gains and demonstrated the fragility of the continuing transitional process and of the society as a whole. It also increased the danger of polarizing the society along ethnic lines, especially given the widespread perception that the revolt was inspired by Balanta elements in the armed forces.

The Government’s fiscal and governance reforms resulted in improved revenue collection, making it possible for it to meet its commitments to pay current salaries to civil servants and the security forces. However, the Government did not have the resources to meet recurrent expenditures and pay the huge backlog of salary arrears inherited from the previous Government. Moreover, the Emergency Economic Management Fund had been depleted and would cease to be operational at the end of the year. However, the Government anticipated accessing a second tranche of an EU budget support package, contingent upon an agreed macroeconomic framework with IMF, which had scheduled a mission to Guinea-Bissau from 4 to 18 December to assist the authorities with preparing the 2005 budget. The Government also worked with the Bretton Woods institutions to begin finalization of the poverty reduction strategy paper for submission to the round table initially scheduled for December 2004, but postponed after the 6 October mutiny.

The health and education sectors suffered from inadequate infrastructure, financial resources and qualified human resources. With teaching materials financed through the Emergency Economic Management Fund, State schools were able to commence the 2004/05 school year on time in October for the first time in three years. The national polio vaccination campaign covered 97 per cent of children and the United Nations provided substantial support for the campaign against malaria. The first national forum on HIV/AIDS was held in September.

The re-evaluation of the preparatory process for planning the reform of the armed forces and reconciliation among the military factions prior to the military mutiny, interrupted by the events of 6 October, would resume as new military leadership had been appointed. The police force, which also needed reform, faced a shortage of equipment, funds and capacity to enable it to fulfil its public security role. With UNDP support, the national mine action coordination authority supervised the removal by NGOs of 2,599 mines and 34,900 pieces of unexploded ordnance, while the International Organization for Migration provided administrative and financial management support to the demobilization, reinsertion and reintegration programme.

The human rights situation was a cause of concern, and the events of 6 October intensified the climate of uncertainty and insecurity, especially since no official investigation was launched. By November, all 20 prisoners accused of attempted
coup d’état and arbitrarily detained since December 2002 were provisionally released.

The Secretary-General observed that the challenges confronting Guinea-Bissau were complex and multilateral, and complicated as a result of the 6 October mutiny. With a view to building sustainable peace and progress, he proposed that the Security Council extend the UNOGBIS presence and revise its mandate to take into account the diverse tasks at hand and the importance of strengthening the capacity of national stakeholders to confront those challenges. That new mandate would allow the Office, working with the UN country team, to integrate development and peace and security activities into a cohesive peace-building strategy for the immediate, medium and longer terms; help Guinea-Bissau overcome its difficulties, including the organization of presidential elections, and with the country team contribute to institutional capacity-building to enable the legislative, the executive and the judiciary branches to function more effectively; and support efforts to implement military reform. Training and advocacy in the advancement of respect for human rights and the rule of law would be intensified. The Office would also promote the development of national mechanisms of conflict prevention and management.

Concerning international assistance to Guinea-Bissau, the Secretary-General recommended that the Emergency Economic Management Fund be extended beyond the end of 2004 to 30 June 2005 to enable the Government to meet its urgent budgetary priorities. Once the Government and the military authorities had defined the nature and scope of such reform, the international community should provide support, through a special fund, so that the process could proceed expeditiously. UNOGBIS and the country team would work with national authorities to define programmes in support of that process and to mobilize resources. The United Nations would also assist the authorities to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects [YUN 2001, p. 499]. The Government, in cooperation with ECOWAS and others, should address the regional proliferation of small arms and other cross-border issues. In terms of medium- and longer-term priorities, the United Nations and other donors should develop programmes to strengthen national institutions in the political, judiciary, social and economic realms; develop and empower civil society bodies; address the plight of youth; and rebuild social and public infrastructure. ECOWAS, the Community of Portuguese-speaking Countries and the United Nations should ensure complementarity and avoid duplication of efforts. At the same time, UNOGBIS and the UN country team would strengthen the judiciary system through capacity-building and resource allocation.

The Secretary-General said it was regrettable that, since the beginning of the transition, qualified optimism was replaced by growing scepticism and a perception that the military posed the greatest obstacle to the consolidation of democracy, peace and economic opportunities. He encouraged the authorities to complete the political transition peacefully, including by holding presidential elections as envisaged in the Political Transition Charter. He urged the international community and all donors to be generous in their assistance, including providing contributions to the Emergency Economic Management Fund and financial and technical support for holding presidential elections in 2005.

SECURITY COUNCIL ACTION (December)


The Security Council,


Expressing its deep concern at recent developments in Guinea-Bissau, particularly the military mutiny of 6 October 2004 that resulted in the assasinations of the Chief of General Staff of the Armed Forces, General Verissimo Correia Seabra, and the Armed Forces spokesman, Colonel Domingos de Barros, and which has jeopardized gains made since the installation of the new Government after the legislative elections of March 2004,

Stressing the fact that such developments demonstrate the fragility of the ongoing transitional process and of national political institutions, and recognizing the risks they present to the conclusion of the transitional process,

Noting with concern that repeated acts of instability and unrest threaten efforts towards sustainable social and economic development, and may erode the confidence of bilateral partners and the international community,

Underlining the fact that the Government of Guinea-Bissau and national authorities must remain committed to the promotion of the rule of law and fight against impunity,

Welcoming the report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country of 15 December 2004, and his recommendations contained therein,

Reaffirming its full commitment to the promotion of peace and stability in Guinea-Bissau,

1. Decides to extend the mandate of the United Nations Peacebuilding Support Office in Guinea-
Bissau, as a special political mission, for one year from the date of adoption of the present resolution;

2. Decides also to revise the mandate of the Support Office as follows:
   (a) To support all efforts to enhance political dialogue, to promote national reconciliation and respect for the rule of law and human rights;
   (b) To support the efforts of all national stakeholders to ensure the full restoration of constitutional normalcy in accordance with the provisions of the Political Transition Charter of 29 September 2003, including through the holding of free and transparent presidential elections;
   (c) To assist with these elections in close cooperation with the United Nations country team and other international partners;
   (d) To assist in strengthening the national mechanisms for conflict prevention during the remainder of the transitional period and beyond;
   (e) To encourage and support national efforts to reform the security sector, including the development of stable civil-military relations, and to attract international support for these efforts;
   (f) To encourage the Government to fully implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;
   (g) To work closely with the Resident Coordinator and the United Nations country team to mobilize international financial assistance to enable the Government to meet its immediate financial and logistical needs and implement its national reconstruction and social and economic development strategy;
   (h) Within the framework of a comprehensive peacebuilding strategy, to actively support efforts of the United Nations system and Guinea-Bissau’s other partners, towards strengthening State institutions and structures to enable them to uphold the rule of law, respect for human rights and the unimpeded and independent functioning of the executive, legislative and judicial branches of government;

3. Encourages the authorities of Guinea-Bissau to enhance political dialogue and pursue constructive civil-military relations, as a way forward, towards the peaceful completion of the political transition, including the holding of presidential elections as envisaged in the Political Transition Charter;

4. Calls upon the National Assembly of Guinea-Bissau, while addressing the issue of granting an amnesty for all those involved in military interventions since 1980, to take account of the principles of justice and fight against impunity;

5. Strongly urges the Government, together with military authorities and other concerned parties, to agree, as soon as possible, on a national plan for the reform of the security sector, in particular military reform;

6. Invites the Secretary-General to establish an emergency fund, to be administered by the United Nations Development Programme, to support efforts related to the planning and implementation of military reform;

7. Appeals to the international community to contribute to provide assistance to help Guinea-Bissau to meet its immediate needs as well as its structural challenges, particularly by providing additional contributions to the Emergency Economic Management Fund as well as to the new fund mentioned above;

8. Encourages the establishment of a joint coordinating mechanism among the United Nations, the Economic Community of West African States and the Community of Portuguese-speaking Countries to ensure synergy and complementarity;

9. Commends the Bretton Woods institutions for their continued engagement in Guinea-Bissau and encourages them to continue their assistance;

10. Requests the Secretary-General to conduct a review of the Support Office with a view to adjusting its capacities to meet the requirements of its revised mandate;

11. Also requests the Secretary-General to keep the Security Council closely and regularly informed of developments on the ground and of the implementation of the present resolution, in particular of paragraphs 2 and 5 above, and in that regard requests the Secretary-General to submit a report every three months from the date of adoption of the present resolution;

12. Decides to remain actively seized of the matter.

Cameroon-Nigeria

Cameroon and Nigeria cooperated to resolve border issues, with UN assistance, through the Cameroon-Nigeria Mixed Commission. The Commission was established by the Secretary-General following the ruling of the International Court of Justice (ICJ) of 10 October 2002 on the land and maritime boundary between those two countries [YUN 2002, p. 1265].

Cameroon-Nigeria Mixed Commission

On 17 March [S/2004/298], the Secretary-General informed the Security Council of the activities undertaken by Cameroon and Nigeria, through his good offices and with the assistance of the Secretariat, to implement the ICJ ruling. Prior to that ruling, Cameroon’s President, Paul Biya, and Nigeria’s President, Olusegun Obasanjo, had agreed to respect the Court’s ruling, establish an implementation mechanism with UN support and adopt confidence-building measures. Following the ICJ ruling in October 2002, they asked the Secretary-General to establish a Mixed Commission, to be chaired by his Special Representative, Ahmedou Ould-Abdallah, to consider the implications of the ICJ decision, including: the demarcation of the land boundary; recommendations on confidence-building measures, such as projects to promote joint economic ventures and cross-border cooperation; troop withdrawal from boundary areas; demilitarization of the Bakassi peninsula, with the possibility of deploying international personnel to observe the withdrawal; and reactivation of the Lake Chad Basin Commission.
The Mixed Commission, which met bimonthly, alternately in Yaoundé, Cameroon, and Abuja, Nigeria, established, at its first meeting (Yaoundé, December 2002), a subcommission, consisting of legal experts and cartographers from both countries and the United Nations, with responsibility for demarcating the land boundary between the two countries. The subcommission, at its first meeting (Geneva, January 2003), prepared a small-scale map indicating the boundary and a work programme for the demarcation exercise, which was approved by the Mixed Commission in February 2003. The demarcation exercise was expected to last 96 weeks.

The Mixed Commission also established a subcommission on affected populations. Acting on the decision of the Mixed Commission, the two subcommissions carried out a field visit in February 2004 to the southern part of the land boundary between Cameroon and Nigeria and the Bakassi peninsula. The Mixed Commission also decided that it would carry out field visits to the land boundary area and the Bakassi peninsula itself in March.

The Mixed Commission also established a working group, composed of five experts each from Nigeria and Cameroon, and UN experts, to make a preliminary study and recommendations for delineating the maritime boundary in conformity with the ICJ decision and to produce a map on that basis. To promote confidence-building, the Mixed Commission identified possible projects to promote cross-border cooperation and joint economic ventures, including the reactivation of the Lake Chad Basin Commission.

One of the most important tasks carried out by the Mixed Commission was the withdrawal of and transfer of authority from the civil administration and military and police forces in the Lake Chad area. In December 2003, Nigeria handed over 28 villages to Cameroon, while Cameroon transferred one village to Nigeria. To consolidate the withdrawal and transfer of authority, the Mixed Commission established an observer personnel group for a year, composed of five members each from Nigeria and Cameroon and five UN representatives.

At their third summit (Geneva, 31 January 2004), Presidents Biya and Obasanjo reaffirmed their commitment to implementing the Mixed Commission’s agreed work plan and to strengthening confidence-building measures through the exchange of ambassadors, the opening of consulates along the common border, and the introduction of joint security patrols. The two leaders also considered concluding a bilateral treaty of friendship and non-aggression. They decided that the Joint Commission would meet annually at a higher level.

The cost of the demarcation exercise and for UN support to the Mixed Commission through 2005 was estimated at $25 million. The Secretary-General intended to seek regular budget support to continue the work of the Commission.

On 15 April [S/2004/299], the Council President informed the Secretary-General that the Council had noted his intention to continue the activities of the UN support team to the Cameroon-Nigeria Mixed Commission with funding from the regular budget and urged the parties of the Mixed Commission to seek further contributions.

On 29 July [S/2004/622], Cameroon informed the Council that Presidents Obasanjo and Biya discussed on 28 and 29 July, among other things, the work of the Mixed Commission and issues relating to peace and security, economic development and regional and international integration. They agreed to open discussions with a view to signing a non-aggression pact.

**Financing of Mixed Commission**

The Secretary-General, in his report on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council [A/C.5/58/20/Add.1], proposed requirements in the amount of $6,902,900 to support the Cameroon-Nigeria Mixed Commission for the period from 1 June to 31 December 2004, to be charged against the unallocated balance in the provision for special political missions for the 2004-2005 biennium.

The Chairman of ACABQ, in an oral report to the Fifth Committee on 26 May [A/C.5/58/58/849], said that, pending consideration of a new submission, ACABQ recommended that the Secretary-General be granted commitment authority of up to $6,902,900.

**General Assembly Action**

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/575/Add.2], adopted resolution 58/294 without vote [agenda item 121].

**Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council**

The General Assembly,

Having considered the report of the Secretary-General on the estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council and the oral statement made by the
Chairman of the Advisory Committee on Administrative and Budgetary Questions,

1. **Emphasizes** the importance of the work of the good offices of the Secretary-General in support of the work of Cameroon-Nigeria Mixed Commission;

2. **Takes note** of the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council;

3. **Notes with concern** the late submission of the report of the Secretary-General;

4. **Endorses** the observations and recommendations as orally presented by the Chairman of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. **Requests** the Secretary-General to submit to the General Assembly, by the end of its fifty-eighth session, a comprehensive financial report on the requirements for United Nations support to the Cameroon-Nigeria Mixed Commission, including clearly defined requirements to be provided from the regular budget and elements being financed from other sources, for its consideration at the early part of its fifty-ninth session;

6. **Authorizes** the Secretary-General to enter into commitments in the amount of 6 million United States dollars for United Nations support to the Cameroon-Nigeria Mixed Commission until 30 November 2004, on the understanding that any decision on further financing must be taken by 31 October 2004;

7. **Urges** the Secretary-General to seek further voluntary contributions for United Nations support to the Cameroon-Nigeria Mixed Commission.

In response to that request, the Secretary-General, on 9 September [A/58/886], proposed revised requirements from the regular budget in the amount of $5,419,300 for the seven month period from 1 June to 31 December, and voluntary contributions estimated at $8.3 million.

On 5 October [A/59/411], ACABQ recommended that the Assembly approve the revised requirements for that period and that further voluntary contributions be sought to support the Commission.

**GENERAL ASSEMBLY ACTION**

On 29 October [meeting 46], the General Assembly, on the recommendation of the Fifth Committee [A/59/448], adopted resolution 59/12 without vote [agenda item 108].

**Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council: United Nations support to the Cameroon-Nigeria Mixed Commission**

*The General Assembly,*

**Recalling** its resolution 58/294 of 18 June 2004, in which it authorized a commitment authority in the amount of 6 million United States dollars for the United Nations support to the Cameroon-Nigeria Mixed Commission,

...
Cameroon to implement the decisions taken in the framework of the ad hoc joint commission on security questions between the two countries, which met in Malabo in June.

Horn of Africa

In 2004, the countries in the Horn of Africa continued to be torn by civil strife, especially in the Sudan, where a protracted civil war increased in intensity, as fighting flared up in the Darfur area of western Sudan and armed militias attacked civilian settlements. That created one of the worst humanitarian crises ever, coupled with serious violations of human rights. The fighting complicated efforts to reach a comprehensive settlement to end the civil war between the north and south of the country, which had been raging for over 21 years. As the situation in Darfur deteriorated, the African Union (AU), took the lead in trying to bring the parties together both to resolve the Darfur crisis and to end the civil war by sending a mission of observers to the region. The Security Council established a special political mission in the Sudan, with a view to preparing for a UN peace support operation to help implement any final agreement reached by the parties. It also requested the Secretary-General to establish a Commission of Inquiry to investigate reports of the serious violations of international humanitarian law and human rights. Although the security and humanitarian situation remained precarious throughout the year, the Sudanese parties succeeded in concluding a comprehensive peace agreement in December, which was expected to be signed in early 2005.

In Somalia, some progress was made towards national reconciliation, with the signing by Somali leaders of a declaration on agreement of issues related to the transitional federal government. Somaliland, however, continued to remain outside the political process. The Somali National Reconciliation Conference continued to meet, and agreement was reached on the formation of a transitional Federal Parliament and a power-sharing arrangement for a transitional period of five years. Established in September, the new Parliament in October elected Colonel Abdullahi Yusuf Ahmed as President of Somalia. However, the security situation remained volatile, and the UN arms embargo continued to be violated by all parties.

The border dispute between Eritrea and Ethiopia remained contentious, with no progress made in implementing the 2000 Algiers ceasefire and peace agreement between the two countries and the 2002 decision of the Ethiopia and Eritrea Boundary Commission, established under that agreement, on the delimitation of the border. The Secretary-General appointed a Special Envoy to discuss with both countries ways of ending the stalemate so that demarcation of the border could continue. However, Eritrea refused to receive him. In November, Ethiopia put forward a five-point peace proposal for resolving the dispute, which was rejected by Eritrea. By the end of the year, reports were received of a steady increase in the build-up of the armed forces of both countries near the Temporary Security Zone.

Appointment. The Secretary-General, on 22 December [S/2004/109], informed the Security Council that his Special Adviser, Mohamed Sahnoun, had been following developments in the Horn of Africa region, especially in Somalia and the Sudan, and had been providing advice on what role the United Nations could play to promote negotiated settlements of conflicts in the region. During the first months of 2004, Mr. Sahnoun led the UN observer delegation at the Sudan peace talks in Kenya; he followed the talks on the Darfur region of the Sudan as well as the peace process in Somalia. To allow Mr. Sahnoun to continue his efforts, the Secretary-General extended his appointment until 31 December 2005, which the Council noted [S/2004/1020].

Sudan

In 2004, violence broke out in the Darfur region of western Sudan among the two armed groups, the Sudan People’s Liberation Movement/Army (SPLM/A) and the Justice and Equality Movement (JEM), the Government of Sudan forces and a supposedly Government-backed militia composed of a loose collection of fighters, mainly of Arab background, known as the Janjaweed. The fighting there created one of the worst humanitarian crises ever, with serious violations of human rights and international humanitarian law, and complicated an already protracted and devastating civil war in the Sudan between government troops based in the north and rebel forces (SPLM/A) based in the south. Attempts to end the civil war, which erupted in 1983, following the breakdown of the 1972 Addis Ababa agreement, were initiated in 1993 by the heads of State of the then Intergovernmental Authority on Drought and Development, renamed the Intergovernmental Authority on Development (IGAD). That process was relaunched in 2002 [YUN 2002, p. 227] with the signing of the Machakos (Kenya) Protocol, which resolved two main issues: the right to self-determination for
the people of southern Sudan and the status of State and religion. By that document, the parties agreed to establish a democratic system of governance in which power and wealth would be equitably shared and human rights guaranteed, and to set up a six-year interim period of governance, followed by a referendum to confirm the unity of the Sudan or to move towards secession.

The Machakos Protocol was followed by the signing in September 2003, in Naivasha, Kenya, of the Framework Agreement on Security Arrangements during the Interim Period [UN 2003, p. 257]. Under its terms, the Sudan would have two armies under separate command during the six-year interim period: the government troops in the north and SPLM/A in the south; both would downsize their forces and contribute forces to joint/integrated units; and a ceasefire would be observed by international monitors, once a comprehensive peace agreement was signed.

As the fighting intensified in 2004, several efforts were made by international and regional actors, primarily the AU, to bring the parties to the negotiating table to conclude a comprehensive peace agreement and to settle the Darfur conflict. On 8 April 2004, the Government, SPLM/A and JEM signed a Humanitarian Ceasefire Agreement in N’Djamena, Chad, to allow international access to the population in need in Darfur. The agreement also included the establishment of a ceasefire commission to monitor its observance and provided for AU monitors on the ground in Darfur. Parallel to these efforts, negotiations on a comprehensive peace agreement, led by IGAD, intensified. Having completed the last three of the six protocols provided for under the Machakos Protocol, including one on power-sharing, the parties, on 3 June, signed the Nairobi Declaration confirming the agreement on the six protocols and committing themselves to completing the final stages of the peace process.

Meanwhile, the Secretary-General, in anticipation of the conclusion of a comprehensive peace agreement, began preparations for UN support to the implementation of such an agreement. He proposed that an advance team be established as a special political mission to the Sudan, which the Security Council endorsed in June as the United Nations Advance Mission in the Sudan (UNAMIS). The Council also declared its readiness to consider establishing a UN peace support operation and asked the Secretary-General to make recommendations on such an operation.

While progress was made on the peace process, the security situation deteriorated dramatically and remained serious throughout the year, with reports of extreme violence and violations of human rights and international humanitarian law against civilians in the Darfur region by all parties to the crisis, in particular by the Janjaweed. By mid-2004, over 1 million people were in need of urgent humanitarian assistance and about 200,000 refugees had fled to Chad. Following a visit by the Secretary-General to the Sudan, the United Nations and the Government signed, on 3 July, a joint communiqué, by which the Sudan committed itself to disarming the Janjaweed and other armed outlaw groups, to end impunity, to lift all restrictions on humanitarian relief deliveries, and to resume political talks with opposing parties. For its part, the United Nations agreed to assist the deployment of AU ceasefire monitors and to mediate in the dispute.

The Security Council, on 30 July, called on the Sudan to fulfil its commitments stated in the joint communiqué, and endorsed the deployment of international monitors, including the protection force envisioned by the AU, to the Darfur region under AU leadership. In addition, the Council decided to impose an arms embargo against non-governmental entities and individuals operating in Darfur and extended the special political mission it set up in June for an additional 90 days, until 10 December. The United Nations and the Sudan signed on 5 August a Plan of Action to facilitate implementation of Security Council demands and of the 3 July agreement between the Government and the United Nations, by which the Sudan would take specific actions within 30 days to create the conditions for restoration of peace and security.

Following the failure of the Government to fully comply with the Council’s demands and its own commitments, the Council, on 18 September, supported the AU’s intention to enhance and augment its monitoring mission in the Darfur region and requested the Secretary-General to establish an international commission of inquiry to investigate reports of violations of international humanitarian law and human rights in Darfur. In the event that the Sudan failed to comply with the terms of the resolution, the Council would consider sanctions against the Government.

Despite the worsening security and humanitarian situation, particularly the growing insecurity and violence in Darfur, repeated ceasefire breaches and the appearance of new rebel groups, progress continued to be made in the peace talks. On 19 November, the Government and SPLM/A signed the “Declaration on the conclusion of IGAD negotiations on peace in the Sudan” during the Security Council’s Meeting in Nairobi, Kenya. The Declaration and the six protocols referred to in the Nairobi Declaration of 5 June constituted the core Peace Agreement and marked an important step towards the finaliza-
tion of a comprehensive peace agreement, which the parties agreed to complete by the end of the year. The Council welcomed the signing of the Declaration and pledged to assist the people of the Sudan, upon the signing of a comprehensive agreement, to establish a united and prosperous nation. It also mentioned its readiness to establish a UN peace support operation to support implementation of the agreement.

On 31 December, the Government of the Sudan and SPLA initialled the last two agreements, which set the stage for the official signing, scheduled for early 2005, of the Comprehensive Peace Agreement, the culmination of negotiations over two and a half years of work since the signing of the Machakos Protocol.

**Outbreak of crisis in Darfur**

The EU, in statements forwarded to the Security Council on 12 January [S/2004/44] and 26 February [S/2004/177], expressed concern about the situation in Darfur, and called on the Government and SPLM/A to respect the September 2003 ceasefire agreement. It remarked that the scale of the humanitarian crisis was escalating, with more than 700,000 internally displaced persons needing urgent assistance. The EU called on the Government to grant the United Nations and other relief organizations full access to all areas of Darfur, to put an end to the Janjaweed atrocities and to ensure that the perpetrators were brought to justice. It called on rebel groups operating in the Darfur region to commit themselves to providing safe passage for relief agencies. It also urged the parties to the conflict to agree to an immediate ceasefire and hold peace talks.

The United Nations Emergency Relief Coordinator, Jan Egeland, reported that, since the fighting started between rebel groups, militias and the Government months earlier, the United Nations had received reports of systematic raids against civilian populations, including burning and looting of villages, large-scale killings and abductions. Humanitarian agencies had also been targeted, with their staff being abducted and relief trucks looted. He announced on 10 February [AFR/890-IHA/861] that Sudan’s President, Omer Hassan Ahmed Al Bashir, had promised to allow aid workers access to the nearly 3 million suffering civilians in Darfur, who were still without essential aid. UN agencies estimated that they had been able to reach only 15 per cent of those in need. Some 110,000 had also fled to Chad in the past three months, in addition to the 700,000 displaced.

**N’Djamena Humanitarian Ceasefire Agreement and follow-up**

On 31 March, during ceasefire talks on Darfur held in N’Djamena, Chad, the Secretary-General issued a statement [SG/SM/9278] expressing dismay over the casualties and serious human rights violations in Darfur. He welcomed the efforts of President Idriss Derby of Chad, the Government of the Sudan, the parties to the conflict and the international community to achieve a cessation of hostilities and ultimately a long-term solution to the conflict. He said that the fighting had to stop and encouraged the parties to work towards an effective humanitarian ceasefire, which would provide unimpeded access to all those in need.

The Security Council President, in a 2 April press statement [SC/8050-AFR/883], said that Council members welcomed the ongoing negotiations in N’Djamena, with the support of the United Nations, the EU and the United States, and called on the Government of the Sudan and opposition groups to conclude a humanitarian ceasefire and to reach a political settlement to the dispute.

On 8 April [SG/SM/9250-AFR/898], the Government of the Sudan, SPLM/A and JEM signed the N’Djamena Humanitarian Ceasefire Agreement. Welcoming that development, the Secretary-General expressed the hope that it would result in an immediate cessation of hostilities and an end to attacks against civilians, as well as full humanitarian access to all people in need of assistance and protection.

The EU, in a 15 April statement of its Presidency [S/2004/357] welcoming the agreement, called on all parties to scrupulously observe and respect its rules, and on the Sudanese Government to fulfil its commitment to control the Janjaweed forces.

On 25 May [S/2004/425], the Sudan informed the Security Council President that, as of 24 May, it would grant entry visas to all humanitarian workers within 48 hours, suspend travel permit procedures to Darfur, and facilitate the entry and clearance of equipment to be used for humanitarian purposes. The Government had appealed to the AU for the expeditious deployment of ceasefire observers, and to the population to return to their villages, with a reaffirmation of its commitment to provide them security and protection.

The EU, on 26 May [S/2004/445], welcomed the Sudan’s decision to lift restrictions on humanitarian agency workers travelling to Darfur. It called on the Government to condemn the actions of the Janjaweed militias in Darfur and to bring them under control. It welcomed the establishment by the Government of a Commission of Inquiry to
investigate human rights violations by armed groups in Darfur and expected swift action to be taken on its findings. The EU supported the work of the AU to establish a ceasefire commission and monitoring mechanism for the Darfur region.

Meanwhile, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent two missions (5-15 April and 21 April–2 May) to the region in response to reports of alleged human rights violations. In its 7 May report to the Commission on Human Rights [E/CN.4/2005/6] (see p. 803), OHCHR recommended, among other things, the establishment of an international commission of inquiry.

SECURITY COUNCIL ACTION (May)

On 25 May [meeting 4978], following consultations among Security Council members, the President made statement S/PRST/2004/18 on behalf of the Council:

The Security Council expresses its grave concern over the deteriorating humanitarian and human rights situation in the Darfur region of the Sudan. Noting that thousands have been killed and that hundreds of thousands of people are at risk of dying in the coming months, the Council emphasizes the need for immediate humanitarian access to the vulnerable population.

The Council also expresses its deep concern at the continuing reports of large-scale violations of human rights and of international humanitarian law in Darfur, including indiscriminate attacks on civilians, sexual violence, forced displacement and acts of violence, especially those with an ethnic dimension, and demands that those responsible be held accountable. The Council strongly condemns these acts which jeopardize a peaceful solution of the crisis, stresses that all parties to the N’Djamena humanitarian ceasefire agreement have committed themselves to refraining from any act of violence or any other abuse against civilian populations, in particular women and children, and that the Government of the Sudan has also committed itself to neutralizing the armed Janjaweed militias, and urges all parties to take the necessary steps to put an end to violations of human rights and international humanitarian law. In this regard, the Council takes note of the recommendations of the United Nations High Commissioner for Human Rights in his report of 7 May 2004.

The Council reiterates its call upon the parties to ensure the protection of civilians and to facilitate humanitarian access to the affected population. In that regard, the Council emphasizes the need for the Government of the Sudan to facilitate the voluntary and safe return of refugees and displaced persons to their homes, and to provide protection for them, and also calls upon all parties, including opposition groups, to support these objectives. The Council calls upon all parties, in accordance with the provisions of its resolution 1502 (2003) of 26 August 2003, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and their assets.

The Council, while welcoming the ceasefire agreement signed on 8 April 2004 in N’Djamena emphasizes the urgent need for all parties to observe the ceasefire and to take immediate measures to end the violence, and calls upon the Government of the Sudan to respect its commitments to ensure that the Janjaweed militias are neutralized and disarmed. Stressing that a ceasefire commission with international representation is a central component of the 8 April agreement, the Council expresses its full and active support for the efforts of the African Union to establish the ceasefire commission and protection units, and calls upon the opposition groups and the Government of the Sudan to facilitate the immediate deployment of monitors in Darfur and to ensure their free movement throughout Darfur. The Council also calls upon Member States to provide generous support for the efforts of the African Union.

The Council welcomes the announcement by the Government of the Sudan that it will issue visas to all humanitarian workers within 48 hours of application, eliminate the need for travel permits, and facilitate the entrance and clearance of equipment imported for humanitarian purposes. The Council acknowledges the appointment of a fact-finding commission by presidential decree. The Council, however, is seriously concerned about continued logistical impediments prohibiting a rapid response in the face of a stark and mounting crisis and calls upon the Government to fulfill its announced commitment to cooperate fully and expeditiously with humanitarian efforts to provide assistance to the imperiled populations of Darfur, noting with particular concern that the humanitarian challenge will be aggravated by the imminent onset of the rainy season.

The Council calls upon the international community to respond rapidly and effectively to the consolidated appeal for Darfur.

The Council observes with distress the prolonged absence of an accredited Resident Coordinator/Humanitarian Coordinator and affirms the need for the immediate appointment and appropriate accreditation of a permanent Resident Coordinator/Humanitarian Coordinator to ensure daily coordination of a permanent Resident Coordinator/ Humanitarian Coordinator in order to address impediments to humanitarian access brought to the attention of the United Nations by the international aid community.

The Council encourages the parties to step up their efforts to reach a political settlement to their dispute in the interest of the unity and sovereignty of the Sudan.

The Council requests that the Secretary-General keep it informed of the humanitarian and human rights crisis as it unfolds, and, as necessary, to make recommendations.

Developments in Sudan’s peace process

Naivasha protocols

After months of negotiations, the Government of the Sudan and SPLM/A reached agreement on the remaining three protocols on power-sharing;
the areas of the Nuba Mountains (Southern Kordofan) and Blue Nile; and Abyei, the Secretary-General reported [S/2004/453]. They completed a series of six agreements, concluded over two years since the signature of the first protocol in Machakos, Kenya, in July 2002, followed by protocols on security arrangements in September 2003 [YUN 2003, p. 257], and on wealth-sharing in January 2004.

In a 26 May statement [SG/SM/9332-AFR/946], the Secretary-General said that he had been following the peace talks on the Sudan, facilitated by the Inter-Governmental Authority on Development (IGAD), and had been in touch with Sudan’s President, Hassan Al-Bashir, and the Chairman of SPLM/A, John Garang. He was heartened to learn that the parties had initialled the three protocols, in Naivasha, Kenya, and urged them to reach agreement on the remaining issues, especially the ceasefire arrangements, the implementation modalities and international guarantees for a future comprehensive peace agreement. He also called on the Government and the armed opposition in Darfur to seize the momentum created in Naivasha to reach a political solution in western Sudan.

The EU, on 2 June [S/2004/466], welcomed the signing of the three protocols as a significant step towards lasting peace in southern Sudan, and urged the parties to sustain the momentum towards peace and to begin a discussion on a comprehensive peace agreement. At the same time, it reiterated its concern at the humanitarian crisis unfolding in Darfur and called on the Government and all parties to show a similar commitment to bring peace and stability to that region. **Nairobi Declaration.** On 5 June [S/2004/490], the Government and SPLM/A signed in Nairobi, Kenya, a Declaration confirming their agreement on the six peace protocols. By that Declaration, the Government and SPLM/A recommitted themselves to their obligations contained in the six protocols agreed to since the relaunching of the IGAD peace process in Machakos in July 2002 [YUN 2002, p. 227], the Secretary-General said in a later report on the Sudan [S/2004/760]. They also committed themselves to completing the final stages of peace negotiations and appealed to the international community to support them during the implementation period.

**UN peace support**

**Report of Secretary-General (June).** On 3 June [S/2004/453], the Secretary-General reported on the situation in the Sudan, in response to Security Council presidential statement S/PRST/2003/16 [YUN 2005, p. 227], which had requested him to initiate preparatory work on the nature of UN support for the implementation of a comprehensive peace agreement between the Government and SPLM/A.

The Secretary-General declared that, by completing a series of framework protocols, the Government of the Sudan and SPLM/A were poised to put an end to the long war that had defied attempts by various external actors, including neighbouring States, donors and other States, and by the parties themselves to bring it to an end. It was up to the parties to conclude negotiations and sign a comprehensive peace agreement. Certain that the international community and the UN operation would face difficult times in assisting and working with the parties through the interim periods of peace implementation, the Secretary-General had established an Interdepartmental Task Force (ITF) on the Sudan to develop a common UN strategy to support implementation of the final agreement and had sent an assessment mission to the Sudan and Kenya from 27 November to 16 December 2003. Since April 2004, a group of UN technical experts had been in the Sudan working with the country team to develop further a common logistics and support strategy for the peace implementation phase. That team would be augmented immediately with additional support staff and subsumed into a UN advance team, which the Secretary-General would propose to the Council for approval. The advance team would ensure cohesive preparations for the Organization’s role in post-conflict Sudan and establish contacts and working relationships with the parties on the ground; it would include up to 25 military liaison officers and support elements. The advance team would be subsequently absorbed into a full mission should the Council so decide.

The Secretary-General believed that the Sudan was at a historic juncture that represented the best chance to bring to a close one of Africa’s most intractable wars. As the Government and SPLM/A were pledging themselves to peace, however, fighting continued to rage in parts of the country. Noting that the situation in Darfur would make a Sudanese peace agreement much harder to implement, he called on the Government and SPLM/A to use their influence to bring a halt to the fighting, since a meaningful agreement on Darfur was fundamental to the success of a UN role in the Sudan. The Secretary-General urged the parties to that conflict to conclude a political agreement without delay. He recommended that the Council support the creation of an advance team for an initial period of three months.
SECURITY COUNCIL ACTION (June)


The Security Council,
Welcoming the signing of the declaration on 5 June 2004 in Nairobi, in which the parties confirmed their agreement to the six protocols signed between the Government of the Sudan and the Sudan People’s Liberation Movement/Army and reconfirmed their commitment to completing the remaining stages of negotiations,

Commending the work and continued support of the Intergovernmental Authority on Development, in particular, the Government of Kenya as Chair of the Sub-committee on the Sudan, in facilitating the peace talks, and recognizing the efforts of the Civilian Protection Monitoring Team, the Joint Military Commission in the Nuba Mountains and the Verification and Monitoring Team in support of the peace process, and expressing the hope that the Intergovernmental Authority will continue to play a vital role during the transitional period,

Reaffirming its support for the Machakos Protocol of 20 July 2002 and subsequent agreements based on that Protocol,

Reaffirming its commitment to the sovereignty, independence and unity of the Sudan,

Recalling the statements by its President of 10 October 2003 and 25 May 2004,

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties, and expressing its utmost concern at the consequences of the prolonged conflict for the civilian population of the Sudan, including women, children, refugees and internally displaced persons,

Urging the two parties involved to conclude speedily a comprehensive peace agreement, and believing that the progress now being made in the Naivasha negotiation process will contribute to improved stability and peace in the Sudan,

Welcoming the report of the Secretary-General of 3 June 2004,

1. Welcomes the proposal of the Secretary-General to establish, for an initial period of three months and under the authority of a special representative of the Secretary-General, a United Nations advance team in the Sudan as a special political mission dedicated to preparation for the international monitoring foreseen in the Framework Agreement on Security Arrangements during the Interim Period, signed in Naivasha, Kenya, on 25 September 2003, and recognizing the efforts of the Civilian Protection Monitoring Team and the Joint Military Commission in the Nuba Mountains and the Verification and Monitoring Team in support of the peace process, and expressing the hope that the Intergovernmental Authority will continue to play a vital role during the transitional period;

2. Endorses the proposals of the Secretary-General for the staffing of the advance team, and in this regard requests the Secretary-General to conclude all necessary agreements with the Government of the Sudan as expeditiously as possible;

3. Declares its readiness to consider establishing a United Nations peace support operation to support the implementation of a comprehensive peace agreement, and requests the Secretary-General to submit to the Council his recommendations for the size, structure and mandate of this operation as soon as possible after the signing of a comprehensive peace agreement;

4. Requests the Secretary-General, pending the signing of a comprehensive peace agreement, to take the necessary preparatory steps, including, in particular, pre-positioning the most critical logistical and personnel requirements to facilitate the rapid deployment of the above-mentioned possible operation, principally to assist the parties in monitoring and verifying compliance with the terms of a comprehensive peace agreement as well as to prepare for the role of the Organization during the transitional period in the Sudan;

5. Underlines the need for an effective public information capacity, including through local and national radio, television and newspaper channels, in order to promote an understanding of the peace process and the role of a United Nations peace support operation will play among local communities and the parties;

6. Endorses the conclusions of the Secretary-General with regard to the situation in the Sudan, in particular in Darfur and the Upper Nile, as set out in paragraph 22 of his report, calls upon the parties to use their influence to bring an immediate halt to the fighting in the Darfur region, in the Upper Nile and elsewhere, urges the parties to the ceasefire agreement signed in N’Djamena on 8 April 2004 to conclude a political agreement without delay, welcomes the efforts of the African Union to that end, and calls upon the international community to be prepared for constant engagement, including extensive funding in support of peace in the Sudan;

7. Requests the Secretary-General to keep it informed of developments in the Sudan, particularly on the Naivasha negotiation process, the implementation of the peace process and the execution by the advance team of its mandate, and to submit a report to the Council no later than three months after the adoption of the present resolution;

8. Decides to remain seized of the matter.

The Sudan, in an 11 June letter [S/2004/490], transmitted to the Council a statement, which its Permanent Representative to the United Nations was not allowed to deliver during the Council’s consideration on that date of the draft resolution on the Sudan. In a 17 June reply [S/2004/498], the Council President recalled his discussions with the Sudan on the issue of its desire to address the Council and proposed convening a meeting to allow the Sudan to fully express its views on matters of common interest between it and the Council.

Appointment. On 17 June [S/2004/503], the Secretary-General informed the Council that he would appoint Jan Pronk (Netherlands) as his Special Representative for the Sudan and head of the peace support operation, which might be authorized by the Council at the conclusion of the Comprehensive Peace Agreement between the Sudan and SPLM/A. The Council, on 18 June [S/2004/504], took note of his intention.
Security Council action. On 30 July, the Council, in resolution 1556(2004) (see p. 240) extended the special political mission set out in the foregoing resolution for an additional 90 days, to 10 December, and requested the Secretary-General to incorporate into the mission contingency planning for Darfur.

Further developments in the Darfur situation

Sudan’s emergency measures. The Sudan informed the Security Council of the measures decreed by President Al-Bashir on 18 June [S/2004/53] to alleviate the situation in Darfur. They included the declaration of a general mobilization of the State apparatuses, with a view to consolidating security, pursuing and disarming outlawed groups, including the Janjaweed, Tora Bora and Peshmerga, and bringing them to justice, and stopping groups from crossing the borders and threatening the stability of neighbouring Chad; establishment by the judiciary in Darfur of special courts to prosecute bandits and criminals; the deployment of police forces to protect municipalities so that citizens could return to their villages; and provision of basic services and humanitarian assistance. The Sudan called on all citizens, including those in Darfur, to attend a conference that would promote national dialogue to bring about national reconciliation.

UN/Sudan 3 July agreement. The Secretary-General visited the Sudan and Chad from 29 June to 3 July, meeting with his senior advisers, Sudanese Cabinet ministers, and United States Secretary of State Colin Powell, in Khartoum; he later visited a number of camps for internally displaced persons in Darfur [SG/7/2412]. On 3 July [S/2004/65], at the conclusion of the visit, the Government of the Sudan and the United Nations issued a joint communiqué in which they expressed concern about the grave situation in the Darfur region, and the number and severity of the conditions of the internally displaced in Darfur and refugees in Chad. They were aware of the need to stop the attacks on the targeted civilian population in Darfur, particularly by the Janjaweed and other outlaw armed groups, and to ensure security in the region consistent with the N’Djamena Humanitarian Ceasefire Agreement (see p. 235).

The United Nations pledged to help alleviate the humanitarian needs of the affected population in Darfur and Sudanese refugees in Chad, to assist in the quick deployment of AU ceasefire monitors and to continue preparations for a possible peacekeeping role when agreements were reached.

The Sudan committed itself to taking a number of measures to halt restrictions on humanitarian work in Darfur, to end impunity for human rights abuses, investigate all cases of violations and to bring those accused to justice without delay. It pledged to deploy a strong police force and ensure that no militias were present in all areas surrounding the camps of displaced persons. It would immediately start disarming the Janjaweed and other armed outlaw groups. Finally, it would resume political talks on Darfur to reach a comprehensive solution acceptable to all parties.

The Government and the United Nations agreed to form a high-level Joint Implementation Mechanism, led by the Foreign Minister of the Sudan and the Special Representative of the Secretary-General, to follow and appraise developments and report on the implementation of their agreement.

AU and LAS meetings. The AU Peace and Security Council, in a communiqué issued at its twelfth meeting at ministerial level (Addis Ababa, 4 July) [S/2004/56], noted that, although the crisis in Darfur was grave, the situation could not be defined as genocide but should be addressed with urgency to avoid further escalation. It urged the Sudan to follow through on the commitments made on 3 July (above), and that all parties refrain from any further actions that could constitute violations of all the agreements signed so far. It stressed that the AU should continue to lead efforts to address the crisis in Darfur, supported by the international community. It welcomed the establishment of the Ceasefire Commission (CFC) in Al Fasher on 9 June, and the partial deployment of AU military observers in the Darfur region, and urged CFC to expedite the process, including the deployment of protection elements within the framework of the 28 May Agreement on the Establishment of the CFC and Deployment of Observers. The Council also welcomed the convening of the first meeting (N’Djamena, 2 July) of the Joint Commission provided for in the Humanitarian Ceasefire Agreement, and urged the Sudanese parties to participate in the meeting scheduled for 15 July to discuss political issues, with a view to reaching a comprehensive agreement. It expressed concern over the impact of the Darfur conflict on the stability of Chad and the rest of the region, and encouraged the Sudan and Chad to enhance security along their common border.

The third ordinary session of the AU Assembly of heads of State and Government (Addis Ababa, 6-8 July), in a decision on Darfur, decided to increase the number of AU observers to a minimum of 80 and to deploy the protection force immediately. It agreed that, under AU monitoring, the rebel forces should be cantoned at mutually
agreed sites and the militias disarmed by the Sudanese Government. It further agreed that the political dialogue should resume as scheduled on 15 July, with a view to reaching a political agreement that would create conditions for convening an all-party conference as provided for in the N'Djamena Humanitarian Ceasefire Agreement, with the participation of the rebel movements. The Assembly acknowledged the agreement signed between the Sudan and the United Nations, which it described as consistent with the AU peace efforts.

At its thirteenth meeting (Addis Ababa, 27 July) [S/2004/603], the AU Peace and Security Council underlined the need to implement the AU Assembly decision on Darfur (see p. 239), which provided a framework for addressing the crisis. The Council welcomed the meeting of the parties (Addis Ababa, 15 July) but regretted the failure of SPLM/A and JEM leadership to attend. It called on the parties to be represented at the highest level at the next round of political talks aimed at finding a lasting solution to the Darfur conflict. The Council took note of the progress in deploying military observers and the protection force, and requested the CFC chairperson to prepare a comprehensive plan for enhancing the effectiveness of the AU Mission, including the possibility of transforming it into a full-fledged peacekeeping mission with the requisite mandate and size to ensure implementation of the Humanitarian Ceasefire Agreement, with emphasis on the disarmament of the Janjaweed, the protection of the civilian population and the facilitation of delivery of humanitarian aid.

On 8 August [S/2004/674], the Ministerial Council of the League of Arab States, at its extraordinary session, called on the Security Council to allow the Sudanese Government sufficient time to implement the undertakings and commitments contained in the joint communiqué signed with the United Nations and the 5 August Darfur Plan of Action (see p. 242) issued by its Foreign Minister and the Secretary-General’s Special Representative. It rejected any suggestion of coercive military intervention in the region or the imposition of sanction on the Sudan and offered support for the return of emigrants and refugees and full Arab support to the AU in its efforts to resolve the crisis in Darfur.

SECURITY COUNCIL ACTION (July)

On 30 July [meeting 5055], the Security Council adopted resolution 1556(2004) by vote (13-0-2). The draft [S/2004/611] was submitted by Chile, France, Germany, Romania, Spain, the United Kingdom and the United States.

The Security Council,


Welcoming the leadership role and the engagement of the African Union regarding the situation in Darfur, and expressing its readiness to support fully those efforts,

Welcoming also the communiqué dated 27 July 2004, issued by the Peace and Security Council of the African Union,

Reaffirming its commitment to the sovereignty, unity, territorial integrity and independence of the Sudan as consistent with the Machakos Protocol of 20 July 2002 and subsequent agreements based thereon, as agreed to by the Government of the Sudan,

Welcoming the joint communiqué dated 3 July 2004, issued by the Government of the Sudan and the Secretary-General, including the creation of the Joint Implementation Mechanism, and acknowledging steps taken towards improved humanitarian access,

Taking note of the report of the Secretary-General of 3 June 2004 on the Sudan, and welcoming the appointment by the Secretary-General of a Special Representative for the Sudan and his efforts to date,

Reiterating its grave concern at the ongoing humanitarian crisis and widespread human rights violations, including continued attacks on civilians, that are placing the lives of hundreds of thousands at risk,

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties to the crisis, in particular by the Janjaweed militias, including indiscriminate attacks on civilians, rapes, forced displacements and acts of violence, especially those with an ethnic dimension, and expressing its utmost concern at the consequences of the conflict in Darfur on the civilian population, including women, children, internally displaced persons, and refugees,

Recalling, in this regard, that the Government of the Sudan bears the primary responsibility to respect human rights while maintaining law and order and protecting its population within its territory and that all parties are obliged to respect international humanitarian law,

Urging all parties to take the necessary steps to prevent and to put an end to violations of human rights and international humanitarian law, and underlining the fact that there will be no impunity for violators,

Welcoming the commitment of the Government of the Sudan to investigate the atrocities and prosecute those responsible,

Emphasizing the commitment of the Government of the Sudan to mobilize the armed forces of the Sudan immediately to disarm the Janjaweed militias,


Expressing concern at reports of violations of the ceasefire agreement signed in N'Djamena on 8 April
2004, and reiterating that all parties to the ceasefire must comply with all of the terms contained therein, Welcomes the donor consultation held in Geneva in June 2004 as well as subsequent briefings highlighting urgent humanitarian needs in the Sudan and Chad, and reminding donors of the need to fulfill commitments that have been made, Recalling that over one million people are in need of urgent humanitarian assistance, that with the onset of the rainy season the provision of assistance has become increasingly difficult, and that without urgent action to address the security, access, logistics, capacity and funding requirements the lives of hundreds of thousands of people will be at risk, Expressing its determination to do everything possible to halt a humanitarian catastrophe, including by taking further action if required, Welcoming the ongoing international diplomatic efforts to address the situation in Darfur, Stressing that any return of refugees and displaced persons to their homes must take place voluntarily, with adequate assistance and with sufficient security, Noting with grave concern that up to 200,000 refugees have fled to the neighboring State of Chad, which constitutes a serious burden upon that country, expressing grave concern at reported cross-border incursions by Janjaweed militias of the Darfur region of the Sudan into Chad, and also taking note of the agreement between the Governments of the Sudan and Chad to establish a joint mechanism to secure the borders, Determining that the situation in the Sudan constitutes a threat to international peace and security and to stability in the region, Acting under Chapter VII of the Charter of the United Nations, 

1. Calls upon the Government of the Sudan to fulfill immediately all of the commitments it made in the joint communiqué of 3 July 2004, including particularly by facilitating international relief for the humanitarian disaster by means of a moratorium on all restrictions that might hinder the provision of humanitarian assistance and access to the affected populations, by advancing independent investigation in cooperation with the United Nations of violations of human rights and international humanitarian law violations and other atrocities, requests the Secretary-General to report in thirty days, and monthly thereafter, to the Council on the progress, or lack thereof, by the Government of the Sudan on this matter, and expresses its intention to consider further actions, including measures as provided for in Article 41 of the Charter of the United Nations, on the Government of the Sudan, in the event of non-compliance;

2. Endorses the deployment of international monitors, including the protection force envisioned by the African Union, to the Darfur region of the Sudan, under the leadership of the African Union, urges the international community to continue to support those efforts, welcomes the progress made in deploying monitors, including the offers to provide forces by members of the African Union, and stresses the need for the Government of the Sudan and all involved parties to facilitate the work of the monitors in accordance with the N’Djamena ceasefire agreement of 28 May 2004 on the modalities of establishing an observer mission to monitor the ceasefire;

3. Urges Member States to reinforce the international monitoring team, led by the African Union, including the protection force, by providing personnel and other assistance including financing, supplies, transport, vehicles, command support, communications and headquarters support as needed for the monitoring operation, and welcomes the contributions already made by the European Union and the United States to support the African Union-led operation;

4. Welcomes the work done by the United Nations High Commissioner for Human Rights to send human rights observers to the Sudan, and calls upon the Government of the Sudan to cooperate with the High Commissioner in the deployment of those observers;

5. Urges the parties to the N’Djamena ceasefire agreement to conclude a political agreement without delay, notes with regret that the failure of senior rebel leaders to participate in the talks held on 15 July 2004 in Addis Ababa, was unhelpful to the process, and calls for renewed talks under the sponsorship of the African Union, and its chief mediator, Mr. Hamid Algabid, to reach a political solution to the tensions in Darfur, and strongly urges rebel groups to respect the ceasefire, end the violence immediately, engage in peace talks without preconditions, and act in a positive and constructive manner to resolve the conflict;

6. Demands that the Government of the Sudan fulfill its commitments to disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities, requests the Secretary-General to report in thirty days, and monthly thereafter, to the Council on the progress, or lack thereof, by the Government of the Sudan on this matter, and expresses its intention to consider further actions, including measures as provided for in Article 41 of the Charter of the United Nations, on the Government of the Sudan, in the event of non-compliance;

7. Decides that all States shall take the necessary measures to prevent the sale or supply to all non-governmental entities and individuals, including the Janjaweed militias, operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories;

8. Decides also that all States shall take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7 above operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories, of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7 above;

9. Decides further that the measures imposed by paragraphs 7 and 8 above shall not apply to:

(a) Supplies and related technical training and assistance to monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations...
Nations or are operating with the consent of the relevant parties;

(b) Supplies of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical training and assistance;

(c) Supplies of protective clothing, including flak jackets, calls upon Member States to honour pledges that have been made against needs in Darfur and Chad, and underscores the need to contribute generously towards fulfilling the unmet portion of the United Nations consolidated appeals;

10. Expresses its intention to consider the modification or termination of the measures imposed under paragraphs 7 and 8 above when it determines that the Government of the Sudan has fulfilled its commitments described in paragraph 6 above;

11. Reiterates its support for the Framework Agreement and the Agreement on Security Arrangements during the Interim Period, signed in Naivasha, Kenya on 25 September 2003 by the Government of the Sudan and the Sudan People’s Liberation Movement/Army, and looks forward to effective implementation of the Agreement and a peaceful, unified Sudan working in harmony with all other States for the development of the Sudan, and calls upon the international community to be prepared for constant engagement, including necessary funding, in support of peace and economic development in the Sudan;

12. Urges the international community to make available much needed assistance to mitigate the humanitarian catastrophe now unfolding in the Darfur region; calls upon Member States to honour pledges that have been made against needs in Darfur and Chad, and underscores the need to contribute generously towards fulfilling the unmet portion of the United Nations consolidated appeals;

13. Requests the Secretary-General to activate inter-agency humanitarian mechanisms to consider what additional measures may be needed to avoid a humanitarian catastrophe and to report regularly to the Council on progress made;

14. Encourages the Special Representative of the Secretary-General for the Sudan and the independent expert of the Commission on Human Rights to work closely with the Government of the Sudan in supporting independent investigations of violations of human rights and international humanitarian law in the Darfur region;

15. Extends the special political mission set out in resolution 1547(2004) for an additional ninety days, to 10 December 2004, and requests the Secretary-General to incorporate into the mission contingency planning for the Darfur region;

16. Expresses its full support for the African Union-led ceasefire commission and monitoring mission in Darfur, requests the Secretary-General to assist the African Union in planning and assessments for its mission in Darfur and, in accordance with the joint communiqué, to prepare to support the implementation of a future agreement in Darfur in close cooperation with the African Union, and also requests the Secretary-General to report to the Security Council on the progress made;

17. Decides to remain seized of the matter.

China, speaking before the vote, said that the Government of the Sudan bore primary responsibility for resolving the Darfur situation and should be assisted by the international community in that effort. The Council should listen to the AU, and its actions should be conducive to securing the cooperation of the Sudanese Government. The draft resolution included mandatory measures against the Government, which could not be helpful in resolving the situation and might even complicate it.

After the vote, the United States said that responsibility for the disaster lay squarely with the Government of the Sudan. The resolution, in stern and unambiguous terms, put the Government on notice that it had to fulfil its commitments in the 3 July UN/Sudan communiqué (see p. 239). It should know that serious measures (international sanctions) were looming if it refused to do so. The purpose of the resolution was to relieve the suffering in Darfur, not to punish the Sudan. The choice was up to the Government.

Pakistan did not believe that the threat or imposition of sanctions was advisable and trusted that the Council would not take such further measures. Pakistan looked forward to the Secretary-General’s report to be issued in 30 days, which it hoped would confirm that the Sudanese Government and the rebel groups were complying with their commitments and obligations.

On the same day [S/2004/639], the EU, expressing support for resolution 1556(2004), supported the call on the Sudan to fulfil all the commitments it made on 3 July and reiterated its determination to continue to play an active role in the situation by sending an assessment team to the region to recommend how best to further support the AU Observer Mission, including the protection force.

Implementation of resolution 1556(2004)

Darfur Plan of Action. The Foreign Minister of the Sudan, Mustafa Osman Ismail, acting on behalf of his Government, and Jan Pronk, Special Representative of the Secretary-General, signed on 5 August the Darfur Plan of Action [S/2004/636]. Drawn up following discussions at the second meeting of the Joint Implementation Mechanism (2 August), the Plan’s objective was to create conditions for the restoration of peace, security and development in Darfur. To that end,
the Sudan committed itself to indicating its progress in complying with Security Council resolution 1556(2004) (see p. 240) by the original deadline of 30 August, and with its 3 July commitments.

According to the Plan, the Sudan would identify parts of Darfur that could be made secure and safe within 30 days and its police forces would provide secure routes to and between those areas. All offensive military operations by the Government’s armed forces in those areas would cease immediately, including any offensive actions against rebel groups. The armed forces would be redeployed so that they were not in contact with the camps and civilians. In accordance with the ceasefire agreement, the Government would ask the rebel groups participating in the Darfur peace talks immediately to cease offensive military operations in the proposed safe areas and to lay down their weapons as part of a disarmament, demobilization and reintegration programme. The Government would identify and declare those militias over whom it had influence and instruct them to cease their activities and lay down their weapons. Observance of those commitments would be monitored by the Ceasefire Commission. The Government would make a declaration of commitment to start the Darfur peace talks as soon as possible in a venue proposed by the AU, and it expected the Council and the AU to pressure the rebels to do likewise. It would seek financial and logistic support from the AU, the League of Arab States and other partners. The Government would sign an agreement with the International Organization for Migration to oversee and assist in the voluntary return of internally displaced persons to their homes, and confirmed its policy of no involuntary return. It would hold a conference of local leaders to seek their help in building confidence and contributing to security, administration and in resolving disputes, and start talks with community leaders and others to establish a commission for rehabilitation, recovery, development and reconciliation in Darfur. With the support of the international community, the Government would improve the humanitarian situation in Darfur, including by extending the fast-track procedure for access until July 2005.

Communications. The Sudan, responding on 17 August [S/2004/671] to resolution 1556(2004), said that it was proceeding with the implementation of the resolution’s provisions on humanitarian assistance, disarmament, security and protection of human rights, and a political settlement. Specifically, it had taken measures to disarm the militias, but warned of the enormity of the task, saying that the entire process depended on a comprehensive settlement. It had also mobilized all its resources to provide security for the voluntary return of emigrants to their villages and to provide for their humanitarian needs in those villages. It had responded to the AU’s call for negotiations with the rebels in Abuja, Nigeria, on 23 August. Commenting on resolution 1556(2004), the Sudan drew attention to: the challenge of the severe shortage of humanitarian assistance supplies; its position that the rebel movements bore responsibility for the deteriorating situation in Darfur and its hope that the Council would exert pressure on them to put a stop to their activities in the emigrant and refugee camps; the need for the Council to affirm unconditionally its respect for the Sudan’s sovereignty, unity, territorial integrity and independence; the targeting of the Sudan’s police and civilian security agencies and the urgency for the international community to pressure the rebels to respect the ceasefire; and Eritrea’s role in undermining stability in the region. The Sudan affirmed its willingness to cooperate with the United Nations and the international community in addressing the humanitarian situation and its desire to achieve a political settlement of the Darfur conflict.

On 31 August [S/2004/701], the Sudan forwarded to the Council a list of measures it had taken to comply with the Darfur Plan of Action and with resolution 1556(2004) in the areas of relief assistance, health services, human rights, security, reining in the militias, the voluntary repatriation of internally displaced persons, political negotiations and participation in them of tribal leaders from Darfur, and the presence of AU monitors in the Sudan.

Report of Secretary-General (August). In response to resolution 1556(2004), the Secretary-General, on 30 August [S/2004/703], reported on the Sudan’s progress in fulfilling its terms. He stated that the Joint Implementation Mechanism, which had held meetings on 15 July and 2, 12 and 19 August, sent a joint verification mission to Darfur from 26 to 28 July, which concluded that no forced returns had been observed in those areas it visited, and security in camps for internally displaced persons had improved. However, there was a clear need to accelerate implementation of the Government’s commitments in other areas. The Government had not taken any measures to disarm the Janjaweed and other armed outlaw groups. It agreed that the Government should lay out a road map indicating actions to be taken within 30 days, covering certain regions and selected militias over which it had influence, on the understanding that those actions should start the disarmament process. The Government
could prove its commitment to the international community by achieving substantial and verifiable progress on the ground within the first 30-day reporting period.

With respect to the Darfur Plan of Action (see p. 242), the Secretary-General reported that, on 15 August, the Government announced the selection of the areas that it would make safe and secure by the end of August, including areas in each of the three States of Darfur, with an estimated 375,000 internally displaced persons, or 30 per cent of the total number (about 1,227,000) in Darfur as at 1 August. On 19 August, it presented to the Joint Implementation Mechanism a list of immediate measures it was taking, including the deployment, from 10 to 20 August, of 2,000 additional police and 100 armed vehicles, and protection for villages within a 20-kilometre radius around the major towns identified. The military would be redeployed to administrative headquarters and garrisons to avoid direct contact with civilians. Internal security of the identified areas would be the responsibility of the police.

As required by the Plan, a conference of local leaders was held (Khartoum, 11-12 August) to re-examine draft legislation on the native administration of the three Darfur States. It also discussed social reconciliation and the role of the traditional administration in the disarmament process. All major tribes and interests of both pastoralists and nomads were represented. The Native Administration Law for the Darfur States was adopted on 19 August by presidential order, with provisions on administrative, security, judicial, executive and other issues.

The most critical commitment still to be implemented related to the armed militias who continued to pose a serious threat to the civilian population. Despite various commitments to disarm them, the Government had stated repeatedly that it had no control over the militias accused of attacking civilians and committing other atrocities in Darfur. However, during discussions in the Joint Implementation Mechanism, the Government did accept the UN position that some militias were under its influence and should be identified and instructed to lay down their weapons, and that they were not limited to those previously incorporated into the Popular Defence Forces, but included outside militias that were later linked with those forces.

While the disarming of members of the Popular Defence Forces had begun in several locations, militia activities were reported in all three States of Darfur, with villages wantonly attacked, looted and destroyed and over 50 people killed. The Government provided no evidence that it had identified any militias outside the Popular Defence Forces or had issued instructions to the leaders of militias under its influence to disarm. A comprehensive demobilization, disarmament and reintegration programme was urgently needed, for which the Government should accept international assistance if it was unable to stop the attacks and protect civilians.

The capacity of humanitarian agencies on the ground continued to increase. The United Nations and the Red Cross and Red Crescent missions were already operating in Darfur, and 10 other organizations were about to start operations. The number of displaced persons increased by about 200,000 to more than 1.2 million, and that of host communities and others requiring relief by more than 60,000. Total UN funding requirements in response to the Darfur crisis was estimated at $391 million.

The United Nations collaborated with the AU to produce a comprehensive plan for an expanded AU mission in Darfur (AUMIS), to include logistical support and budgetary requirements and support to the AU in managing and directing a complicated field operation. A UN assessment team also found a need for a substantial civilian police component to assist with monitoring and capacity-building of the national police.

The Secretary-General concluded that, after 18 months of conflict and 30 days after the adoption of resolution 1556(2004), the Government had been unable to resolve the crisis in Darfur and had not met some of its core commitments. However, the search for a political solution was under way in Abuja, through a UN-supported AU mediation effort. The Secretary-General believed that a substantially increased international presence in Darfur was required as quickly as possible to monitor the implementation of the parties’ commitments more effectively. The crisis in Darfur could not be seen in isolation from the search for a comprehensive peace in the Sudan. While efforts were being made to find a solution to the Darfur crisis, simultaneous efforts were required promptly to restart and conclude the IGAD-led peace talks (see p. 234). However, any effort to make the conclusion of the IGAD process conditional on an end to the crisis in Darfur would be counter-productive, with consequences that could further destabilize the country and the region.

Security Council consideration. At the Security Council’s consideration of the Secretary-General’s report, on 2 September [meeting 5027], the Special Representative affirmed that the United Nations had maintained pressure on the Sudanese Government to show progress in improving security, through the framework of the
Joint Implementation Mechanism. The Government had made some progress in that regard in the 30-day initial period but had not met its commitments in two key areas: stopping attacks against civilians by militias and disarming them; and no concrete steps had been taken to bring to justice any of the militia leaders or the perpetrators of the attacks or even to identify them. There was thus distrust among the displaced due to their perception that the Government was behind the terror and trauma they had experienced. The Special Representative, noting that negotiations towards a political solution were under way in Abuja, urged the parties to redouble their efforts and seek assistance from the AU and UN facilitators and mediators. He further urged that the IGAD peace talks be resumed concurrently with those negotiations.

**Communication.** Australia, Canada and New Zealand, in a joint letter of 10 September (S/2004/79), agreed with the Special Representative that pressure be maintained on the Government of the Sudan to carry out its commitments. They urged the Council to support the AU, including the deployment of a significantly expanded AU mission and to establish clear benchmarks and time lines for actions expected of the Government with regard to disarming the Janjaweed; identifying those groups over which the Government had influence; apprehending and prosecuting those suspected of inciting and carrying out war crimes and crimes against humanity; and continuing to remove barriers to access by humanitarian and human rights monitors. They called on the Secretary-General to establish an impartial commission of experts to investigate allegations of war crimes and crimes against humanity, especially of sexual violence.

**SECURITY COUNCIL ACTION (September)**

On 18 September [meeting 5040], the Security Council adopted resolution 1564(2004) by vote (11-0-4). The draft (S/2004/744) was submitted by Germany, Romania, Spain, the United Kingdom and the United States.

The Security Council,


Welcoming the report of the Secretary-General of 30 August 2004 and the progress achieved on humanitarian access, and expressing concern that paragraphs 59 to 67 indicate that the Government of the Sudan has not fulfilled the entirety of its commitments under resolution 1556(2004) and taking into account the need to foster and restore the confidence of vulnerable populations and to improve radically the overall security environment in Darfur; and welcoming the recommendations contained in the report, particularly those concerning the desirability of a substantially increased presence of the African Union mission in the Darfur region of the Sudan,

Welcoming also the leadership role and the engagement of the African Union in addressing the situation in Darfur,

Welcoming further the letter dated 6 September 2004 to the President of the Security Council from the Chairman of the African Union, the President of the Federal Republic of Nigeria, Mr. Olusegun Obasanjo, including his appeal for international support for the extension of the African Union mission in Darfur,

Reaffirming its commitment to the sovereignty, unity, territorial integrity and independence of the Sudan, as consistent with the Machakos Protocol of 20 July 2002 and subsequent agreements based thereon, as agreed to by the Government of the Sudan,

Recalling the joint communiqué of 3 July 2004 issued by the Government of the Sudan and the Secretary-General, and recognizing the efforts undertaken by the Joint Implementation Mechanism and the Special Representative of the Secretary-General to advance the aims of the communiqué and the requirements of resolution 1566(2004),

Welcoming the fact that the Government of the Sudan has taken a number of steps to lift administrative obstructions to the delivery of humanitarian relief, which has resulted in access for an increased number of humanitarian personnel in Darfur, as well as international human rights non-governmental institutions, and recognizing that the Government of the Sudan has broadened its cooperation with United Nations humanitarian agencies and their partners,

Urging the Government of the Sudan and the rebel groups to facilitate this humanitarian relief by allowing unfettered access for humanitarian supplies and workers, including across the borders of the Sudan with Chad and Libya by land and by air as may be required,

Expressing grave concern at the lack of progress with regard to security and the protection of civilians, disarmament of the Janjaweed militias and the identification and bringing to justice of the Janjaweed leaders responsible for violations of human rights and international humanitarian law in Darfur,

Recalling that the Government of the Sudan bears the primary responsibility to protect its population within its territory, to respect human rights and to maintain law and order, and that all parties are obliged to respect international humanitarian law,

Stressing that the Sudanese rebel groups, particularly the Justice and Equality Movement and the Sudan Liberation Movement/Army, must also take all necessary steps to respect international humanitarian and human rights law,

Emphasizing that the ultimate resolution of the crisis in Darfur must include the safe and voluntary return of internally displaced persons and refugees to their original homes, and noting in that regard the memorandum of understanding of 21 August 2004 between the Government of the Sudan and the International Organization for Migration,
Expressing its determination to do everything possible to end the suffering of the people of Darfur.

Determining that the situation in the Sudan constitutes a threat to international peace and security and to stability in the region,

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

1. Declares its grave concern that the Government of the Sudan has not fully met its obligations noted in resolution 1556(2004) and the joint communiqué of 3 July 2004 with the Secretary-General to improve, as expected by the Security Council, the security of the civilian population of Darfur in the face of continued depredations, and deplores the recent ceasefire violations by all parties, in particular the reports by the Ceasefire Commission of the Government of the Sudan’s helicopter assaults and Janjaweed attacks on Yassin, Hashaba and Gallab villages on 26 August 2004;

2. Welcomes and supports the intention of the African Union to enhance and augment its monitoring mission in the Darfur region of the Sudan, and encourages the undertaking of proactive monitoring;

3. Urges Member States to support the African Union in these efforts, including by providing all equipment, logistical, financial, material and other resources necessary to support the rapid expansion of the African Union mission and by supporting the efforts of the African Union aimed at a peaceful conclusion of the crisis and the protection of the welfare of the people of Darfur, welcomes the Government of the Sudan’s request to the African Union to increase its monitoring presence in Darfur in its letter dated 9 September 2004 to the Council, and urges the Government of the Sudan to take all steps necessary to follow through with this commitment and to cooperate fully with the African Union to ensure a secure and stable environment;

4. Calls upon the Government of the Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudan Liberation Movement/Army, to work together under the auspices of the African Union to reach a political solution in the negotiations currently being held in Abuja under the leadership of President Obasanjo, notes the progress made to date, urges the parties to the negotiations to sign and implement the humanitarian agreement immediately and to conclude a protocol on security issues as soon as possible, and underscores and supports the role of the African Union in monitoring the implementation of all such agreements reached;

5. Urges the Government of the Sudan and the Sudan People’s Liberation Movement to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan;

6. Affirms that internally displaced persons, refugees and other vulnerable peoples should be allowed to return to their homes voluntarily, in safety and with dignity, and only when adequate assistance and security are in place;

7. Reiterates its call for the Government of the Sudan to end the climate of impunity in Darfur by identifying and bringing to justice all those responsible, including members of popular defence forces and Janjaweed militias, for the widespread human rights abuses and violations of international humanitarian law, and insists that the Government of the Sudan take all appropriate steps to stop all violence and atrocities;

8. Calls upon all Sudanese parties to take the necessary steps to ensure that violations reported by the Ceasefire Commission are addressed immediately and that those responsible for such violations are held accountable;

9. Demands that the Government of the Sudan submit to the African Union mission for verification, documentation, particularly the names of Janjaweed militiamen disarmed and names of those arrested for human rights abuses and violations of international humanitarian law, with regard to its performance relative to resolution 1556(2004) and the N’Djamena ceasefire agreement of 8 April 2004;

10. Also demands that all armed groups, including rebel forces, cease all violence, cooperate with international humanitarian relief and monitoring efforts and ensure that their members comply with international humanitarian law, and facilitate the safety and security of humanitarian staff;

11. Reiterates its full support for the N’Djamena ceasefire agreement, and in this regard urges the Government of the Sudan to refrain from conducting military flights in and over the Darfur region in accordance with its commitments;

12. Requests that the Secretary-General rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable, calls upon all parties to cooperate fully with such a commission, and also requests the Secretary-General, in conjunction with the Office of the United Nations High Commissioner for Human Rights, to take appropriate steps to increase the number of human rights monitors deployed to Darfur;

13. Calls upon Member States to provide in an urgent manner generous and sustained contributions to the humanitarian efforts under way in Darfur and Chad to address the shortfall in response to continued United Nations appeals, emphasizes the need for Member States to fulfill their pledges forthwith, and welcomes the substantial contributions made to date;

14. Declares that, in the event that the Government of the Sudan fails to comply fully with resolution 1556(2004) or the present resolution, including, as determined by the Council after consultations with the African Union, failure to cooperate fully with the expansion and extension of the African Union monitoring mission in Darfur, the Council shall consider taking additional measures as contemplated in Article 41 of the Charter of the United Nations, such as actions to affect the Sudan’s petroleum sector and the Government of the Sudan or individual members of the Government, in order to take effective action to obtain such full compliance or full cooperation;

15. Requests that, in the monthly reports pursuant to resolution 1556(2004), the Secretary-General report to the Council on the Government of the Sudan’s progress or lack thereof in complying with the Council’s demands in the present resolution and the effort by
the Government of the Sudan and the Sudan People’s Liberation Movement to conclude a comprehensive peace accord on an urgent basis;

16. Decides to remain seized of the matter.

RECORDED VOTE ON RESOLUTION 1564(2004):
In favour: Angola, Benin, Brazil, Chile, France, Germany, Philippines, Romania, Spain, United Kingdom, United States.
Against: None.
Abstaining: Algeria, China, Pakistan, Russian Federation.

The countries which abstained in the vote had expressed opposition beforehand to the Council’s use of the threat of sanctions as a means of achieving its objectives. After the vote, the Sudan said that it had honoured its commitments and that the Council knew better than anyone that the problem had its roots in the country’s economic and social backwardness; it wondered whether sanctions would help resolve the problem. The adoption of the resolution, it said, had torpedoed all negotiations and undermined the AU’s efforts.

Further communications. On 22 September [S/2004/753], the Sudan expressed its belief that resolution 1564(2004) had encouraged the rebels to adopt a position that led to the deadlock in the Abuja negotiations and to violations of the ceasefire agreement, as demonstrated by their attacks on villages on 16 and 18 September.

The EU, on 23 September [S/2004/803], welcomed resolution 1564(2004), including its stated preparedness to consider measures, such as sanctions, should the Sudan fail to comply with previous Council demands.

The AU Peace and Security Council, in a communiqué on the situation in Darfur issued at its sixteenth meeting (Addis Ababa, 17 September) [S/2004/755], welcomed the convening in Abuja, since 23 August, of the inter-Sudanese peace talks, and urged the parties (the Government of the Sudan, JEM, SPLM/A) to comply with the 8 April N’Djamena Humanitarian Ceasefire Agreement, cooperate with the AU, remain committed to the negotiation process and work towards a political settlement.

The EU External Relations Council, on 13 September [S/2004/766], issued conclusions on Darfur indicating the EU’s intention to take appropriate measures, including sanctions, against the Government of the Sudan if no tangible progress was made in meeting the Security Council demands in resolution 1556(2004), and to increase its humanitarian support as well as support to the AU mission in the Sudan.

On 27 September, the Sudan informed the Security Council President that Darfur rebels raided the village of Obihan, in Western State, on 22 September, thus extending their operations to areas outside Darfur and showing a lack of interest in a political settlement [S/2004/762]; that rebel elements attacked the camp for internally displaced persons at Kalma, in Southern Darfur State [S/2004/767]; and that rebels continued to refuse to specify their positions as required under the N’Djamena ceasefire agreement [S/2004/769]. It also informed the Council that a conference on the native administrative system and its role in restoring tranquility, security and peace in Darfur (Al Fasher, North Darfur, 18-19 September), attended by community leaders, tribal chieftains, heads of political parties, civil leaders and representatives of Darfur in the National Assembly, issued a final communiqué and an agreement on resolving the Darfur crisis through dialogue among the people of Darfur within the context of one homeland [S/2004/768]. On 28 September [S/2004/772], the Sudan drew attention to four recent ceasefire violations.

UN Advance Mission in Sudan

The United Nations, as requested by the Security Council in resolution 1547(2004), established, in June, a special political mission, the United Nations Advance Mission in the Sudan (UNAMIS), headed by Jan Pronk (Netherlands) Special Representative for the Sudan. He was supported by two Deputy Special Representatives, who were appointed by the Secretary-General, one of whom would function as Resident Coordinator/Humanitarian Coordinator. Also appointed were the mission’s Chief Military Adviser and a chief civilian police adviser. The mission was headquartered in Khartoum, with a liaison office in Nairobi. The international staff would include military liaison and political and civil affairs staff, public information officers and experts in logistics and administration. On 5 August, the Government signed an agreement with the United Nations on the status of the mission and its personnel.

UNAMIS financing

The Secretary-General, on 27 October [A/59/554], submitted proposed resource requirements for UNAMIS from 11 September to 10 December 2004, estimated at $21,008,100 net ($21,789,400 gross). That amount included $998,600 remaining unencumbered from the $16,636,600 approved for the initial phase (11 June–10 September) of the mission.

ACABQ, having reviewed the estimates, recommended in its 11 November report [A/59/569] approval of the full amount.

GENERAL ASSEMBLY ACTION

On 3 December [meeting 66], the General Assembly, on the recommendation of the Fifth Commit-
The General Assembly, having considered the report of the Secretary-General on the estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council and the related report of the Advisory Committee on Administrative and Budgetary Questions, 

1. Endorses the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

2. Decides to approve the budget for the United Nations advance team in the Sudan for the period from 11 September to 10 December 2004 in the amount of 21,789,400 United States dollars gross (21,008,100 dollars net);

3. Notes that part of the requirements would be met from the unspent balance of 998,600 dollars of the amount already provided for the mission;

4. Decides to approve a charge, against the provision for special political missions appropriated under section 3, Political affairs, of the programme budget for the biennium 2004–2005, in the amount of 3,002,600 dollars, corresponding to the unassigned balance in that provision;

5. Also decides to appropriate, under the procedure provided for in paragraph 11 of annex I to General Assembly resolution 41/213 of 19 December 1986, the amount of 7,006,900 dollars under section 3, Political affairs, and 781,300 dollars under section 34, Staff assessment, of the programme budget for the biennium 2004–2005, the amount of 781,300 dollars to be offset by a corresponding amount in the income estimates under income section 1, Income from staff assessment, of the programme budget.

Developments in the peace processes and security situation

Report of Secretary-General (September). The Secretary-General reported on 28 September [A/59/418/Add.1] that the IGAD-led peace process was scheduled to resume in early October and UNAMIS would have to be ready to assist and be in a position to deploy an operation in a timely manner following a final breakthrough and the signing of a comprehensive peace agreement. In that regard, several additional tasks were identified for the mission, including helping the AU to deploy and support an expanded mission in Darfur, establishing four field offices in Darfur and Kassala and enhancing the ability of the advance mission’s headquarters to support the new tasks and offices in Darfur. The Secretary-General said that the expanded tasks would require an additional six military officers and six police officers.

Meanwhile, the humanitarian challenge in the Sudan remained enormous as the crisis continued in Darfur, and other parts of the country remained beset by ethnic tensions. The number of vulnerable people in the south requiring immediate assistance in food, health, water and sanitation under Operation Lifeline Sudan was around 3 million. While humanitarian access had improved, government restrictions in southern Blue Nile limited the capacity for humanitarian action. Hostilities linked to oilfield development and militia realignment in and around western Upper Nile, hostile actions by the Ugandan Lord’s Resistance Army and intra-ethnic conflict in some areas of Equatoria and in the Shilluk Kingdom earlier in the year led to new displacement and suffering, and access restrictions. Internally displaced persons returning to their home areas were also putting a strain on the humanitarian situation.

The Secretary-General observed that the decision of the Government and SPLM/A to resume negotiations on 7 October in the context of the IGAD-led peace process restored optimism that progress was possible, and he was heartened by the parties’ recent positive attitude towards concluding the negotiations as soon as possible. That peace process was central to comprehensive peace in the Sudan, as it addressed the fundamental roots of the conflict in southern Sudan. While the process did not offer a comprehensive solution to the country’s problems, the breadth of the agreements reached in the Naivasha protocols (see p. 236) offered a basis for answers to the wider issues of insecurity and conflict. In his view, the current crisis in Darfur was emblematic of that problem. The rebel groups in Darfur were only two of an array of peoples and groups that had complained of systematic marginalization over the course of recent Sudanese history. An agreement between the Government and SPLM/A, he said, would be a catalyst to addressing the Darfur crisis and the wider problems of economic and political marginalization.

Security Council consideration. The Security Council, during its consideration of the Secretary-General’s report on 5 October [meeting 5050], was told by the Special Representative that, despite the Government’s pledges to take action, there was no systematic improvement in people’s security in the Sudan and no progress on ending impunity. Ceasefire breaches also continued. Pressure had to be put on the current political leaders to change their policies. Such pressure should be constructive, with no mixed signals or messages and should be combined with adequate
monitoring and a fair degree of trust and acknowledgment of good performance. There should be no room for options other than complying with the demands of the international community. The conflicts in the Sudan had to be prevented from turning into general antagonism between people of different religions or different ethnic backgrounds.

Report of Secretary-General (October). The Secretary-General, in response to resolution 1564(2004), reported on 4 October [S/2004/787] on the situation in the Sudan, in particular on the security and humanitarian situations. With regard to the security situation, the Secretary-General said that the Joint Implementation Mechanism, at its 17 September meeting, concluded that progress towards full security implied that achievements would be maintained and improved upon and that there could be no trade off between security in the initial areas and security elsewhere in Darfur. In the coming months, that meant that the Government had to take action to stop attacks on the civilian population by its forces and by others such as the Janjaweed militia. It should request international assistance to fulfill its responsibility in that regard. During the meeting, the Government promised to commit no further breaches of the ceasefire and to accept international assistance, including more AU forces to carry out tasks beyond the ceasefire monitoring. The Government proposed three new areas it would make safe and secure around the camps for internally displaced persons at Kass, Kutum and Zallingi, in Southern, Northern and Western Darfur, respectively. At its 24 September meeting, the Monitoring Committee agreed on a procedure designed to avoid situations that might lead to a breach of the N’Djamena ceasefire agreement. On 26 September, however, the Government informed the United Nations that it could not agree to the procedure owing to failure on the part of SPLM/A and JEM to meet their obligations under the N’Djamena agreement.

The Secretary-General said it was clear that the ceasefire was not holding in many parts of Darfur. Violence was reported throughout September, with clashes at Sayyah, north of Al Fasher, and attacks by Government-aligned militia against SLA at Abu Dalek. Attacks against civilians continued, including attacks by uniformed men and abduction of young women. Other incidents included assault, killings, collection of unlawful taxes by the militias, general banditry and inter-tribal fighting. Ever increasing numbers of the population of Darfur were exposed, without any protection from the Government, to hunger, fear and violence, and the suffering was being prolonged by inaction. The Government had not fulfilled its commitments and obligations on disarming the militia and had not presented the details of a plan to establish a commission to collect weapons, as promised at the 17 September Joint Implementation Mechanism meeting.

Impunity among members of the armed forces remained a concern. The Government had taken only minimal steps towards military or criminal prosecution of those already identified as responsible for ceasefire violations and offences under international humanitarian law.

The humanitarian situation had deteriorated since the objectives of the 90-day UN humanitarian plan for Darfur were set. There were more displaced people than previously thought, with new arrivals to some camps numbering in the tens of thousands. The number of conflict-affected people could rise above 2 million if continuation of the civil war caused further displacements. In general, the Government continued to fulfill its commitments regarding humanitarian access. Assistance was beginning to flow into SPLM/A controlled-areas, although complete freedom of access was not possible.

As to the Darfur peace process, political talks between the Government and the rebel movements began on 23 August at Abuja, under the auspices of Nigerian President Olusegun Obasanjo, with the United Nations supporting the mediation effort. The parties agreed on a text for a protocol on humanitarian access, by which they would take measures to prevent violence against civilians, reaffirm the need to protect the rights of internally displaced persons and refugees, and form an implementation mechanism, namely, the Joint Humanitarian Facilitation and Monitoring Unit. While the parties declined to sign that protocol, the Government, on 17 September, agreed to act as if it had been signed. Negotiations were ongoing on a security protocol, but a wide gap between the parties prevented them from reaching agreement.

The Secretary-General observed that the most important step to be taken in the coming weeks was the deployment of the expanded AU force. That force needed to be sizeable and speedily deployed. It also needed a broad mandate that went beyond overseeing the ceasefire and that should include: ensuring protection of the rights of internally displaced persons and refugees in their areas of origin; providing safety of displaced persons in the camps and safe and voluntary return of refugees and displaced persons to their areas of origin; monitoring the behaviour of the police; and disarming fighters. The second issue to be addressed was the resumption of the political talks between the Government and SPLM/A. The
outcome of those talks, intended to bring peace, a new constitution, a federal structure for the State, national differentiation and a broad-based Government, could serve as a model for Darfur.

International Commission of Inquiry. The Secretary-General, as requested by the Security Council in resolution 1564(2004), established the International Commission of Inquiry for Darfur to investigate reports of serious violations of international humanitarian law and human rights law in that region by all parties in the current conflict; qualify crimes and determine whether acts of genocide had occurred; and identify the perpetrators of such violations and recommend accountability mechanisms before which they would be brought to account. On 4 October [S/2004/812], he informed the Council of his appointment of a five-member Commission, to be chaired by Antonio Cassese (Italy).

In conducting its inquiry, the Commission would enjoy the full cooperation of the Government of the Sudan, and would be provided with the necessary facilities to enable it to operate and, in particular, be guaranteed freedom of movement throughout the territory, and freedom of access to all sources of information and documentary material. Appropriate security arrangements for the Commission’s personnel and documents would be provided, and protection of victims and witnesses would be guaranteed. The Commission was requested to report to the Secretary-General within 90 days from the start of its activities.

SECURITY COUNCIL ACTION (October)


The Security Council,

Acting in accordance with Article 28, paragraph 3, of the Charter of the United Nations,

1. Decides to hold meetings in Nairobi starting on 18 November 2004 and ending on 19 November 2004, and that the agenda for these meetings will be “The reports of the Secretary-General on the Sudan”;

2. Decides also to discuss the Sudan with representatives of the African Union and the Intergovernmental Authority on Development at the above-mentioned meetings, and to take the opportunity of the presence of the Security Council in Nairobi to discuss other peace efforts in the region with both the African Union and the Intergovernmental Authority on Development;

3. Decides further, with respect to the meetings referred to in paragraph 1 above, to waive the requirement set out in rule 49 of its provisional rules of procedure that the verbatim record of each meeting of the Council shall be made available on the first working day following the meeting, and decides that the verbatim record shall be issued subsequently in New York.

Report of Secretary-General (November). Reporting on developments in the Sudan since his September report (see p. 248), the Secretary-General, on 2 November [S/2004/881], said that the month of October saw a deterioration in security conditions in Darfur, as reported by observers and humanitarian agencies. Ceasefire violations increased on both sides. SPLM/A and the Government were seeking to claim a bigger area of Darfur. The Government responded to attacks by launching operations using army, police and militia, including the Janjaweed. In an apparent drift towards lawlessness, cases of banditry and abduction dramatically increased, affecting civilian traffic, including pilgrims travelling through the Sudan for the hajj, and hampering delivery of humanitarian aid. Various sources reported the emergence of a new rebel movement in Darfur, known as the National Movement for Reformation and Development (NMARD), which claimed responsibility for attacks against Government troops and also threatened the AU Ceasefire Commission. There were also clashes between JEM and NMARD. In addition, a new anti-Government armed group called Al-Shahamah (nobility) emerged in Western Kordofan, calling for a fair distribution of wealth and power, better education and employment opportunities, a review of the power- and wealth-sharing protocols, and revision of the protocol on the Nuba Mountains and the southern Blue Nile regions signed by the Government and SPLM/A. The spread of fighting between rebel movements and activities in areas outside Darfur increased insecurity.

On 20 October, the AU Peace and Security Council announced it would increase its mission in Darfur to 3,320 persons, including 2,341 military personnel and up to 815 civilian police. It expanded its mandate to include the monitoring and verification of the security provided for returning internally displaced persons, of the Government’s efforts to disarm, Government-controlled militias, and of the protection of civilians under imminent threat and in the immediate vicinity of AU troops and monitors. On 26 October, the Sudanese Parliament endorsed the deployment of the additional AU forces, and the Government accepted verification by the AU Mission on whether Janjaweed had been recruited into the police. A UN assistance cell in Addis Ababa was integrated into and co-located with elements of the AU office dealing with management of the AU Mission in Darfur.

Peace negotiations. The Secretary-General also reported that the IGAD-led peace process had
recently shown signs of progress, as the political process addressing the north-south conflict had resumed. From 7 to 16 October, the First Vice-President of the Sudan, Ali Osman Taha, and SPLM/A Chairman John Garang met in Nairobi to resolve outstanding security issues and to plan for the completion of the peace negotiations. They resolved most of the issues for a permanent ceasefire arrangement, including the deployment of joint integrated units in eastern Sudan and the collaborative approach in handling other armed groups during the transition period, but not for the funding of the armed forces of southern Sudan and the timing of the incorporation and integration of other armed groups into the respective structures of the Sudan armed forces and SPLA.

From 17 to 30 October, the parties held technical-level negotiations on implementation modalities, focusing on the Machakos protocol, the power-sharing and wealth-sharing protocols and the protocol on the conflict areas. They consulted the United Nations on aspects of the ceasefire, envisaging a UN monitoring and verification role during the implementation phase. At the conclusion of the talks, the parties announced that they had been able to resolve certain concerns raised by the United Nations regarding specific elements of its role.

Political talks between the Government and the rebel movements in the Darfur peace process resumed on 21 October in Abuja, during which the Government, SPLM/A and JEM reaffirmed their commitment to the ceasefire and to the need to reach a political solution to the Darfur conflict. While the parties continued to discuss their security concerns in the framework of the Security Committee, they commenced negotiations on political issues on 29 October, having expressed their readiness to negotiate a declaration of principles. The Special Representative urged them to sign the protocol on improving the humanitarian situation (see p. 249) and stressed the need for the establishment of mechanisms to facilitate implementation.

The Secretary-General commented that the ongoing talks in Nairobi were proceeding well and that the AU force was expanding rapidly. In spite of that progress, ceasefire breaches had increased as had violence, affecting civilians indirectly and directly, especially in Darfur, where attacks and killings continued at an unacceptable scale. The increase in the number of internally displaced persons reflected the severity of the protection and security situation in Darfur, which the conflicting parties should take as a clear message to pursue urgently a peace agreement. The Secretary-General was of the view that the north-south round of talks had a good chance of being completed by the year’s end, and the international community should ensure that the momentum was maintained. Meanwhile, violence in Darfur was on the rise and new movements were threatening the peace in Kordofan, in the east and in Khartoum. The Secretary-General proposed that the Security Council consider what action it could take to ensure effective implementation of the demands set out in its resolutions on the Sudan at its meetings to be held in Nairobi (see below).

**Security Council consideration (4 November).** The Security Council reviewed the Secretary-General’s report on 4 November [meeting 5071]. Addressing the meeting, the Special Representative said that progress on the political front was slow, and regression on the ground was alarming, as instability had increased in October. Political agreements might come too late to stop the rising violence. Both sides were trying to widen the area of their control. Fighting was occurring in more places, militias were ganging up, and the Government did not fully control its own forces. Within the rebel movements, there was a leadership crisis. The situation could only be reversed by a three-pronged approach: a third party (the AU) should be deployed to deter violations; all negotiation processes should be speeded up; and political leaders, official and self-elected, should be held accountable for violations of agreements and further human misery.

In a statement released the same day [SC/8283], the Council President said that Council members expressed concern about the Government’s forced relocations of internally displaced persons in Otash, Old Sharief and New Sharief. They also condemned ongoing violations of international human rights and humanitarian law, such as attacks on civilians, sexual violence and hostage-taking that were being perpetrated in Darfur by all parties including the Government, rebel groups, and the Janjaweed militias.

**Communications.** Australia, on 8 November [S/2004/987], said it supported the Special Representative’s suggestion that the Council use its forthcoming Nairobi meetings to maintain strong pressure on the Sudanese parties to meet their obligations to protect civilians and work towards a peaceful settlement of the country’s conflicts.

The EU, on 11 November [S/2004/992], welcomed the progress in the Abuja peace talks and the signing of the Humanitarian and Security Protocols on 9 November. It confirmed its commitment to contribute to the peace and reconciliation processes in the Sudan, which did not exclude the use of sanctions against all parties to the conflict.
Security Council consideration (18-19 November). The Council met in Nairobi on 18 and 19 November [meetings 5080-5082], in accordance with resolution 1547(2004) (see p. 236). In attendance at the first and third meetings were the Sudan’s First Vice-President, Ali Othman Taha, and the Chairman of SPLM/A, John Garang. At the first meeting, the Secretary-General said that, while the Council should place its primary focus on the conclusion of the north-south talks, also demanding its attention was the conflict in Darfur, where the security situation continued to deteriorate, despite the ceasefire agreements signed earlier in N’Djamena and Abuja. It was time to conclude the Naivasha process, he said, and involve all Sudanese stakeholders in a national conference to discuss the future governance of the country.

Vice-President Taha reiterated his Government’s firm commitment to concluding negotiations as soon as possible and announced that it had reached an understanding with SPLM/A and the IGAD secretariat, as reflected in the common memorandum of understanding committed to by the parties for the conclusion of the negotiations within the agreed framework contained therein and to be signed in the presence of Council members. The Government’s vision of a peaceful political resolution in Darfur was based on the Naivasha agreements (see p. 236) and on the establishment of a foundation for decentralized government within a federal network, which would include an agreement on the sharing of national resources and wealth in a manner that provided every governorate, State and region in the Sudan with a proportional share. The Government had also prepared a three-year medium-term development plan to be implemented after the signing of a peace agreement on Darfur that would address urgent assistance to refugees, develop agricultural and other income-generating sectors, and focus on providing clean water for industry and people.

Chairman Garang, in stating the SPLM/A position, said that, with the six protocols already in place, it considered negotiations on the comprehensive peace agreement on the Sudan complete. Outstanding were two issues in each of its two annexes: those in the comprehensive ceasefire annex concerned the funding of the armed forces and the time frame for incorporating other armed groups into the Sudan Armed Forces or SPLM/A structures; those in the annex on implementation modalities concerned the system of funds transfer in local currency of the Government’s share of southern Sudan’s oil revenues and the sharing of information on existing oil contracts. He assured the Council that SPLM/A was willing to work with the other parties in resolving those issues and with the National Congress Party in establishing a new Government of national unity.

SECURITY COUNCIL ACTION (November)


The Security Council,


Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Reaffirming its support for the Machakos Protocol of 20 July 2002 and subsequent agreements based on that Protocol,

Expressing its determination to help the people of the Sudan to promote national reconciliation, lasting peace and stability, and to build a prosperous and united Sudan in which human rights are respected and the protection of all citizens is assured,

Recalling that it welcomed the signature of the declaration on 5 June 2004 in Nairobi, in which the parties confirmed their agreement to the six protocols signed between the Government of the Sudan and the Sudan People’s Liberation Movement/Army and reaffirmed their commitment to completing the remaining stages of negotiations,

Commending again the work and continued support of the Intergovernmental Authority on Development, in particular, the Government of Kenya as Chair of the Subcommission on the Sudan, in facilitating the peace talks in Nairobi, recognizing the efforts of the Civilian Protection Monitoring Team, the Joint Military Commission in the Nuba Mountains and the Verification and Monitoring Team in support of the peace process, and expressing its hope that the Intergovernmental Authority will continue to play a vital role during the transitional period,

Encouraging the parties to conclude speedily a comprehensive peace agreement, and stressing the need for the international community, once such an agreement has been signed and implementation begins, to provide assistance towards its implementation,

Emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance,

Expressing its serious concern at the growing insecurity and violence in Darfur, the dire humanitarian situation, continued violations of human rights, the lack of accountability for repeated breaches of the ceasefire, and reiterating in this regard the obligation of all parties to implement the commitments, referred to in its previous resolutions on the Sudan,

Condemning all acts of violence and violations of human rights and international humanitarian law by all
parties, and emphasizing the need for perpetrators of all such crimes to be brought to justice without delay. Recalling, in this regard, that all parties, including the Sudanese rebel groups such as the Justice and Equality Movement and the Sudan Liberation Army, must respect human rights and international humanitarian law, and also recalling the primary responsibility of the Government of the Sudan to protect its population within its territory and to maintain law and order, while respecting human rights.

Stressing the importance of further progress towards resolving the crisis in Darfur, welcoming the vital and wide-ranging role being played by the African Union towards that end, and welcoming the decision of the Government of the Sudan in favour of the expansion of the African Union mission, Taking note of the reports of the Secretary-General of 28 September 2004 and 2 November 2004, Deeply concerned by the situation in the Sudan and its implications for international peace and security and stability in the region,

1. Declares its strong support for the efforts of the Government of the Sudan and the Sudan People’s Liberation Movement/Army to reach a comprehensive peace agreement, encourages the parties to redouble their efforts, welcomes the signing of the memorandum of understanding in Nairobi on 19 November 2004 entitled “Declaration on the conclusion of negotiations of the Intergovernmental Authority on Development on peace in the Sudan”, annexed to the present resolution, and the agreement that the six protocols referred to in the Nairobi Declaration of 5 June 2004 constitute and form the core peace agreement, and strongly endorses the parties’ commitment to reach a final comprehensive agreement by 31 December 2004, and expects that it will be fully and transparently implemented, with the appropriate international monitoring;

2. Declares its commitment, upon conclusion of a comprehensive peace agreement, to assist the people of the Sudan in their efforts to establish a peaceful, united and prosperous nation, on the understanding that the parties are fulfilling all their commitments, including those agreed in Abuja and N’Djamena;

3. Urges the joint assessment mission of the United Nations, the World Bank and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of the Sudan, including official development assistance, possible debt relief and trade access, to be implemented once a comprehensive peace agreement has been signed and its implementation begins;

4. Welcomes the initiative of the Government of Norway to convene an international donors conference for the reconstruction and economic development of the Sudan upon the signing of a comprehensive peace agreement;

5. Also welcomes the continued operations of the Joint Military Commission, the Civilian Protection Monitoring Team, and the Verification and Monitoring Team, in anticipation of the implementation of a comprehensive peace agreement and the establishment of a United Nations peace support operation;

6. Reiterates its readiness, upon the signature of a comprehensive peace agreement, to consider establishing a United Nations peace support operation to support the implementation of that agreement, and reiterates its request to the Secretary-General to submit to the Security Council, as soon as possible after the signing of a comprehensive peace agreement, recommendations for the size, structure and mandate of such an operation, including also a timetable for its deployment;

7. Welcomes the preparatory work already carried out by the United Nations Advance Mission in the Sudan, established by its resolution 1547(2004), endorses the proposals in the reports of the Secretary-General of 28 September 2004 and 2 November 2004 to increase its staffing, extends the mandate of the Advance Mission by a further three months until 10 March 2005, and calls upon the Sudan People’s Liberation Movement/Army to commit to full cooperation with the Advance Mission;

8. Calls upon all countries in the region to do their utmost to support actively the full and timely implementation of a comprehensive peace agreement;

9. Emphasizes that a comprehensive peace agreement will contribute towards sustainable peace and stability throughout the Sudan and to the efforts to address the crisis in Darfur, and underlines the need for a national and inclusive approach, including the role of women, towards reconciliation and peacebuilding;

10. Underlines the importance of progress in peace talks in Abuja between the Government of the Sudan and the Sudan Liberation Army and the Justice and Equality Movement towards resolving the crisis in Darfur, insists that all parties to the Abuja peace talks negotiate in good faith to reach agreement speedily, welcomes the signature in Abuja of the Humanitarian and Security Protocols on 9 November 2004, urges the parties to implement them rapidly, and looks forward to the early signature of a declaration of principles with a view to a political settlement;

11. Demands that Government and rebel forces and all other armed groups immediately cease all violence and attacks, including abduction, refrain from forcible relocation of civilians, cooperate with international humanitarian agencies and those in their employ, in accordance with resolution 1502(2003) of 26 August 2003 on the access of humanitarian workers to populations in need and with the Abuja Protocols of 9 November 2004;

12. Decides, in accordance with its previous resolutions on the Sudan, to monitor compliance by the parties with their obligations in that regard and, subject to a further decision of the Council, to take appropriate action against any party failing to fulfil its commitments;

13. Strongly supports the decisions of the African Union to increase its mission in Darfur to 3,320 personnel and to enhance its mandate to include the tasks listed in paragraph 6 of the communiqué of 20 October 2004 of the Peace and Security Council of the African Union, urges Member States to provide the required equipment, logistical, financial, material and other necessary resources, and urges the Government of the Sudan and all rebel groups in Darfur to cooperate fully with the African Union;
14. **Reiterates its call upon** Member States to provide urgent and generous contributions to the humanitarian efforts under way in the Sudan and Chad;
15. **Calls upon** all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General, as described in his letter dated 4 October 2004 to the President of the Security Council, the outcome of which will be communicated to the Council;
16. **Reiterates** the importance of deploying more human rights monitors to Darfur;
17. **Requests** the Secretary-General to keep it regularly informed of developments in the Sudan, and to make any recommendations for action to ensure implementation of the present resolution and its previous resolutions on the Sudan;
18. **Decides to remain seized of the matter.**

**Annex**

Declaration on the conclusion of negotiations of the Intergovernmental Authority on Development on peace in the Sudan

Gigiri, Nairobi: Friday, 19 November 2004

WHEREAS the Government of the Republic of the Sudan and the Sudan People’s Liberation Movement/Army (the Parties) reconfirmed in the Nairobi Declaration of 5 June 2004, on the final phase of the negotiations on peace in the Sudan led by the Intergovernmental Authority on Development, their agreement on the six texts, including the Machakos Protocols as well as the texts relating to power sharing, wealth sharing, security arrangements, and resolution of the conflict in southern Kordofan/Nuba Mountains, Blue Nile, and Abyei area;

WHEREAS the Parties in a joint press statement on 16 October 2004, “recommitted themselves to finalize and conclude the comprehensive peace agreement in recognition that prompt completion of the peace process is essential for all the people of the Sudan as it will help in resolving all challenges facing the country”;

ACKNOWLEDGING the progress made to date on the security arrangements and ceasefire details including the extensive work that has been accomplished in the implementation modalities annexes; and

DECLARING that the conclusion of the initiative led by the Intergovernmental Authority on Development is central to a comprehensive peace agreement in the Sudan including the resolution of the conflict in Darfur;

NOW HEREBY THE PARTIES AFFIRM that the six protocols referred to in the Nairobi Declaration of 5 June 2004 constitute and form the core peace agreement in Darfur and therefore invite the United Nations Security Council in this, its Nairobi sitting, to pass a resolution endorsing the six protocols.

FURTHER the Parties declare their commitment to expeditiously complete negotiations on the two annexes on ceasefire agreement and implementation modalities so as to conclude and sign the comprehensive peace agreement no later than 31 December 2004.

For the Government of the Republic of the Sudan
(Signed) Mr. Yahya Hussein Babiker
For the Sudan People’s Liberation Movement/Army
(Signed) Cdr. Nhial Deng Nhial

Witnessed by:
On behalf of the envoys of the Intergovernmental Authority on Development:
(Signed) Lt. Gen. Lazaro K. Sumbeiywo (Rtd.)
Special Representative of the Secretary-General of the United Nations

In the presence of the United Nations Security Council:
Permanent Representative of Algeria to the United Nations
(Signed) Ambassador Abdallah Baali
Permanent Representative of Angola to the United Nations
(Signed) Ambassador Ismael Gaspar Martins
Permanent Representative of Benin to the United Nations
(Signed) Ambassador Joel Adechi
Permanent Representative of Brazil to the United Nations
(Signed) Ambassador Ronaldo Sardenberg
Permanent Representative of Chile to the United Nations
(Signed) Ambassador Heraldo Muñoz
Permanent Representative of China to the United Nations
(Signed) Ambassador Wang Guangya
Permanent Representative of France to the United Nations
(Signed) Ambassador Jean-Marc de La Sablière
Permanent Representative of Germany to the United Nations
(Signed) Ambassador Gunter Pleuger
Permanent Representative of Pakistan to the United Nations
(Signed) Ambassador Munir Akram
Permanent Representative of the Philippines to the United Nations
(Signed) Ambassador Lauro Baja, Jr.
Permanent Representative of Romania to the United Nations
(Signed) Ambassador Miheec Motoc
Permanent Representative of the Russian Federation to the United Nations
(Signed) Ambassador Andrei Denisov
Permanent Representative of Spain to the United Nations
(Signed) Ambassador Juan Antonio Yáñez-Barnuevo
Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations
(Signed) Ambassador Enyr Jones Parry
Permanent Representative of the United States of America to the United Nations
(Signed) Ambassador John Danforth

**Report of Secretary-General (December).** On 3 December [S/2004/947], the Secretary-General, reporting on developments in the Sudan, stated that, following the signing on 9 November of the Humanitarian and Security Protocols in Abuja (see p. 251), the situation in Darfur was calm for about one week and deteriorated towards the end of November, with increased clashes between Government forces and SPLM/A resulting in many police and civilian deaths. The violence
reached a high point on 22 November, when SPLA attacked Tawilla in northern Darfur and took control of all police posts. The Sudanese army launched heavy retaliatory attacks, reportedly using bomber planes, forcing SPLA to withdraw. Fighting continued until 24 November, causing extensive casualties. Both sides proclaimed they were no longer bound by the ceasefire and a state of emergency was declared in Northern Darfur. In addition, on 13 and 22 November, SPLA attacked a police station near Kalma camp for internally displaced persons in Southern Darfur, killing several people. The AU was investigating reports of both incidents. The Special Representative advised the Government to exercise maximum restraint when responding to attacks, refrain from conducting hostile military flights, avoid targeting civilians in any military action and ensure that militias under their influence did likewise.

The Joint Ceasefire Commission was convened in N’Djamena to discuss the violence. Both parties blamed each other for initiating the violence, but reconfirmed their commitment to the ceasefire agreement. The AU criticized the parties for their repeated failure to live up to their commitments; requested the Government to submit plans and time lines to neutralize the armed militias, including the Janjaweed; and demanded that SPLA and JEM submit information on the locations of their forces. The AU also recommended the establishment of an agreed framework to deal with ceasefire violations and the accelerated deployment of AU troops in Darfur.

Despite the renewed violence, the Abuja peace talks on Darfur were proceeding. The parties made substantive progress towards finalizing the declaration of principles and had agreed to reconvene in Abuja for the next round of talks scheduled for 10 December. A draft prepared by the AU mediation team was based on the demands put forward by the parties, including recognition of the ethnic, cultural, religious and social diversity in the Sudan, a commitment to the unity and sovereignty of the Sudan, the need for an equitable distribution of power and national wealth, and the reaffirmation of the principles of equality, citizenship, the rule of law and the protection of human rights.

The IGAD-led north-south peace process on the Sudan continued in Naivasha to work towards a comprehensive peace agreement. Talks resumed on 26 November at the technical level to find an acceptable compromise to the outstanding issues, including funding for the army of the south during the pre-interim and interim periods. A UN team of experts was dispatched to assist the parties.

The Secretary-General remarked that the optimism generated on the political front was overshadowed by regression in the security situation. In Darfur, chaos loomed as order was collapsing. He called on the parties to abide by their commitments by providing the AU with information on the location of their troops and exercising full control over them. The conclusion of a comprehensive peace agreement would have far-reaching implications for the Sudan and raise challenges for UNAMIS. While calling on the international community to sustain interest in the Sudan, the Secretary-General announced that the United Nations was planning for the implementation phase of a comprehensive peace agreement and would make recommendations to the Security Council on the size, structure and mandate of a full UN mission to succeed UNAMIS.

Security Council consideration. The Security Council considered the Secretary-General’s report on 7 December [meeting 5094]. Addressing the Council, Under-Secretary-General for Political Affairs, Kieran Prendergast, remarking on the worsening security situation, drew attention to other incidents of violence in Darfur throughout November, including attacks by the new rebel movement, the National Movement for Reform and Development (NMRD), in the Kulbus area, and cross-border operations by elements of the Chadian army in support of NMRD. The Jebel Moon area in North Darfur was also tense, with the reported presence of three rebel groups, government forces and armed tribesmen. Increased activity by the Janjaweed and other pro-government militias were also reported, all of which threatened to plunge Darfur into chaos. The international community, he said, should send an unequivocal message to all Sudanese parties that violence and hostile military actions were not an acceptable means to achieve political gains.

Press statements (December). In a statement to the press on 21 December [SC/8274-AFR/1083], the Security Council President said Council members, following consultations held that day, expressed concern at the serious degradation of the security and humanitarian situation in Darfur and at the repeated violations of the ceasefire. They condemned the violations and the shooting at an AU helicopter. Reiterating their support for the AU efforts and its mission in Darfur, they called for the expeditious and full deployment of the African force. The Council called on both parties, when they resumed their talks in January 2005 in Abuja to achieve a political agreement without delay. The Council expressed readiness to consider a full range of op-

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tions to exercise pressure on the parties to ensure full compliance with its resolutions.

Further political progress

The Secretary-General, in a 31 December press statement [SG/SM/966-AFR/1086], welcomed the initialling that day by the Government of the Sudan and SPLA of the last two agreements of the north-south peace process: the Agreement on the Implementation Modalities of the Protocols and Agreements, and the Agreement on the Permanent Ceasefire and Security Agreements Implementation Modalities, which constituted integral parts of a comprehensive peace agreement and marked the parties’ commitment to end more than two decades of civil war. The Secretary-General looked forward to the official signing of the Comprehensive Peace Agreement in January 2005, ushering in a new era of peace in the Sudan, in which the United Nations was prepared to play a significant role.

Eritrea-Sudan

On 4 and 22 January, the Sudan accused Eritrea of inciting, supporting and training groups of outlaws in the Darfur region of the country as part of its attempts to destabilize the Sudan and the ongoing peace process [A/58/669-S/2004/14]. It also said that, according to news reports, an outlaw group in eastern Sudan, the Beja Congress, had forged an alliance with the outlaw groups in the Darfur region, with support from Eritrea [A/58/693-S/2004/66]. Eritrea, on 22 January [S/2004/63], rejected those claims as attempts to isolate Eritrea and to divert Sudanese public attention from the country’s domestic problems. On 10 August [S/2004/638], the Sudan again informed the Security Council of what it called Eritrea’s continuing hostility towards the Sudan and its involvement in the conflict in Darfur.

Somalia

In 2004, progress was made in the national reconciliation process of Somalia, which was based on the outcome of the 2002 Eldoret (Kenya) Conference, held under the auspices of IGAD, and which led to the signing of the Declaration on Ceasation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process (the Eldoret Declaration) [YUN 2002, p. 202]. That Declaration was signed in December 2002 by five Mogadishu faction leaders and the Transitional National Government (TNG), established by the Arta (Djibouti) Conference in 2000 [YUN 2000, p. 215]. It set up a national reconciliation process, aimed at bringing the factions into agreement on a national government. Some progress was made in 2003 in five of the six reconciliation committees of the process, and agreement was reached by participating Somali leaders at a conference in September 2003 on a transitional federal government [YUN 2003, p. 248]. However, the TNG President and some faction leaders rejected the document and opposed the proposed federal system. During the negotiations on reconciliation, Somaliland, in the northwest, remained outside the process.

The first sign of progress in 2004 was the signing by Somali leaders, on 29 January, of a declaration on agreement of issues related to the transitional federal government. That meeting was part of the ongoing IGAD-sponsored Somali National Reconciliation Conference in Kenya, which aimed to establish a viable transitional government. In mid-2004, IGAD held a series of Ministerial Facilitation Committee meetings on the Conference and launched its third and final phase, which led to the establishment of the Transitional Federal Government of Somalia. The Security Council, in July, welcomed the AU’s decision to dispatch a reconnaissance mission to prepare for deploying military monitors to Somalia.

The Conference, meeting in Kenya and attended by representatives of the numerous factions and clans of Somalia, with the notable exception of Somaliland, agreed to form the Transitional Federal Parliament, with members selected by the factions at the Conference. That body elected the Speaker of Parliament and the Transitional President, important steps towards the re-establishment of stability. The peace process produced a power-sharing arrangement for a transitional period of five years. The inclusive peace process involved all clans and most major faction leaders. At the same time, fighting inside Somalia continued.

The United Nations Political Office for Somalia (UNPOS), led by the Secretary-General’s Special Representative, Winston A. Tubman (Liberia), remained involved in the peace process and humanitarian efforts, and continued to operate from Nairobi.

The Secretary-General, in response to a 2003 Council request, established a Monitoring Group of four experts to investigate violations of the arms embargo against Somalia, and to provide a draft list of the individuals continuing to violate it. The Group reported to the Council in August that weapons and ammunition continued to flow into, through and out of Somalia, in contravention of the embargo; and that to fully investigate violations, it required more time than specified in its mandate. Therefore, the Council called for the re-establishment of the Group, for a period of
six months, to continue its functions and to update the draft list.

The economic and social situation in Somalia continued to suffer as a result of the chronic warfare and drought. At times, UN activities had to be curtailed due to insecurity in various parts of the country. The General Assembly, in resolution 59/218 (see p. 913), noted the urgent need for humanitarian and reconstruction assistance and urged the international community to respond accordingly. In related action, the Executive Board of UNDP and the United Nations Population Fund, in decision 2004/35 (see p. 879), endorsed UNDP’s approach in promoting security by reducing poverty and encouraging good governance. The Board authorized the UNDP Administrator to approve projects consistent with the strategic approach of promoting peace and security on a case-by-case basis.

National reconciliation process and security situation


He reported that, on 29 January, at the Somali Leaders’ Consultation Meeting (Nairobi), organized by IGAD under the chairmanship of the President of Uganda, Yoweri Museveni, and the President of Kenya, Mwai Kibaki, participating Somali leaders signed a document entitled “Declaration on the Harmonization of Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings from 9 to 29 January 2004”. The Declaration consisted of proposed amendments to the transitional federal charter adopted on 15 September 2003 (YUN 2003, p. 248). The leaders decided that the charter would be called the transitional federal charter of the Somali republic, and the government, the transitional federal government, whose term would last for five years. The transitional federal parliament would consist of 275 members, 12 per cent of whom would be women. A national census would be undertaken during the drafting of a new constitution, which would be approved by an internationally supervised national referendum. A controversy subsequently arose, however, over the method for selecting members of parliament.

The security situation at the beginning of 2004 remained serious in many Somali regions and affected humanitarian aid delivery. In the north, Somaliland and Puntland gave assurances of safe access to the contested areas of the Sool and Sanaag regions. Intense inter-clan fighting occurred in the central region, forcing 9,000 people to flee to surrounding towns and preventing adequate intervention. In southern and central Somalia, violence and armed conflict continued to hamper access and humanitarian programming.

The Secretary-General commented that the agreement at the leaders’ consultation marked a breakthrough that could lead to further progress at the Somali National Reconciliation Conference, which had been stalled for some time. The next and final phase of the reconciliation process would involve the selection of members of the transitional national parliament, who would elect a president to lead the country during the transitional period. The Secretary-General stressed that progress in the political arena should be accompanied by efforts by the Somali leaders to improve the security situation on the ground so as to make it conducive to the implementation of a political agreement, thereby according credibility to the agreement.

Communications. On 30 January, the AU [S/2004/88] and the EU [S/2004/112] welcomed the signing of the Declaration. The AU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution called on the Somali factions and leaders to continue to uphold the spirit of the 2002 Eldoret Declaration and to refrain from action that would jeopardize the Somali reconciliation process at Mbagathi, Kenya, which was approaching conclusion. It called on the authorities of Puntland and Somaliland to desist from resorting to military means to resolve their territorial dispute in the provinces of Sool and Sanaag. The statement released by the EU Presidency reiterated EU support to the IGAD-sponsored national reconciliation process, to which there was no alternative for the restoration of effective government, peace and stability in Somalia.

SECURITY COUNCIL ACTION (February)

On 25 February [meeting 4915], following consultations among Security Council members, the President made statement S/PRST/2004/3 on behalf of the Council:

The Security Council, recalling its previous decisions concerning the situation in Somalia, in particular the statement by its President of 11 November 2003 and welcoming the report of the Secretary-General of 12 February 2004, reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and principles of the Charter of the United Nations.
The Council reiterates its firm support for the Somali National Reconciliation Process and the ongoing Somali National Reconciliation Conference in Kenya, launched under the auspices of the Intergovernmental Authority on Development.

The Council commends President Mwai Kibaki of Kenya, President Yoweri Museveni of Uganda, other leaders of the Intergovernmental Authority, and international supporters of the Somali National Reconciliation Conference for their perseverance to help Somalia achieve national reconciliation.

The Council welcomes the signing in Nairobi, on 29 January 2004, of the Declaration on the Harmonization of Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings, held from 9 to 29 January 2004, as an important step towards lasting peace and reconciliation in Somalia, and urges all signatories to the agreement to fully abide by their commitment to move the peace process forward.

The Council calls upon the Somali parties to build on the progress achieved and swiftly conclude the Somali National Reconciliation Conference with a durable and inclusive solution to the conflict in Somalia by establishing a viable transitional government.

The Council reiterates that the Somali parties should abide by and implement expeditiously the Eldoret Declaration of 27 October 2002 on the cessation of hostilities, and calls upon the Somali parties to continue working towards a comprehensive security arrangement for Somalia.

The Council stresses the urgent need for a comprehensive ceasefire throughout Somalia, and stresses also that the Somali parties themselves bear the responsibility for achieving it. The Council calls upon the Somali parties to implement the ceasefire fully, to ensure security, and to resolve their differences by peaceful means.

The Council condemns those who obstruct the peace process, and stresses that those who persist on the path of confrontation and conflict will be held accountable. The Council will continue to monitor the situation closely.

The Council calls upon all neighbouring States to continue their endeavour to participate fully and constructively for the success of the Somali National Reconciliation Process and the attainment of peace in the region.

The Council welcomes the commitment and preparation by the African Union to deploy a military observer mission to Somalia and calls upon the international community to support the African Union’s efforts to improve the security situation in Somalia.

The Council calls upon the international community to continue its efforts to support the Intergovernmental Authority in its facilitation of the Somali National Reconciliation Conference, and calls upon the donor countries to contribute to the Conference, the Trust Fund for Peace-building in Somalia and the United Nations Consolidated Inter-Agency Appeal for Somalia.

The Council expresses serious concern regarding the humanitarian situation in Somalia, and calls upon the leaders of Somalia to facilitate the delivery of much-needed humanitarian assistance and to ensure the safety of all international and national aid workers.

The Council reiterates its concern over the continued flow of weapons and ammunition supplies to Somalia, welcomes the establishment of the Monitoring Group pursuant to resolution 1589(2005) of 16 December 2003, and calls upon relevant States and entities to comply scrupulously with the arms embargo and to cooperate with the Monitoring Group.

The Council welcomes the readiness of the Secretary-General to enhance the attention of the United Nations to developments in Somalia within existing resources. The Council reiterates that a comprehensive peace-building programme with special emphasis on disarmament, demobilization, rehabilitation and reintegration will be important to post-conflict Somalia as stipulated in the statement by its President of 28 March 2002.

The Council requests the Secretary-General to consider and to suggest in his next report ways to develop the role of the United Nations in support of the Intergovernmental Authority-facilitated Somali reconciliation process.

The Council reiterates its readiness to assist the Somali parties and support the Intergovernmental Authority in the implementation of the agreements reached in the Somali National Reconciliation Conference.

The Council reiterates its support for the Intergovernmental Authority on Development (IGAD) and calls for the latest round of the conference to be held as scheduled.

Report of Secretary-General (June). On 9 June [S/2004/469], the Secretary-General, reporting further on the situation in Somalia, said that the controversy that arose immediately after the signing of the 29 January Declaration on outstanding issues (see p. 257) stalled the national reconciliation process for four months. On 4 February, some members of the Somalia Restoration and Reconciliation Council issued a press statement contesting the Declaration’s validity. On 8 February, the Transitional National Assembly endorsed the Declaration. Following approval of the draft transitional charter by the plenary of the Somalia National Reconciliation Conference, the IGAD Facilitation Committee began preparations for phase III of the Conference. A delegation composed of the AU Special Envoy for Somalia, an IGAD official, and officials from Kenya, Sweden and the United Kingdom met with the newly created National Organizing Council for Somalia members in Jowhar on 17 March, to persuade them to return to the Conference. The Organizing Council demanded that no further amendments be made to the charter, that the political leaders to select members of parliament be limited to the 24 signatories of the Eldoret Declaration and President Hassan, and that the latter no longer act as President. Should IGAD fail to meet those demands, the Organizing Council would press to convene phase III of the Conference within Somalia. Other Somali Restoration and Reconciliation Council leaders met in Nai-
robi on 25 March and decided to remain engaged in the Conference, while others left for various reasons.

On 22 April, the Kenyan Foreign Minister announced a road map with fixed dates for the completion of the Conference, and requiring all political leaders absent from Nairobi to return and the traditional leaders to arrive at the Conference venue within a stated time frame. The process would culminate in the swearing in of a president for the transitional federal government of Somalia on 1 July. The fifth IGAD Ministerial Facilitation Committee meeting was fixed for 6 May, when the Ministers were expected to launch phase III of the Conference.

The Facilitation Committee met as scheduled in Nairobi, with all IGAD Foreign Ministers in attendance. In a joint communiqué, the Ministers appealed to Somali leaders to return to the Conference by 20 May and for the Conference to conclude successfully by the end of July. They agreed to hold their next meeting in Nairobi on 20 May; the Jowhar group indicated its intention to rejoin the Conference by that date.

Following the sixth IGAD Ministerial Facilitation Committee meeting (Nairobi, 21-22 May), the Ministers stated that they had consulted all Somali clans for the completion of the third and final phase of the Conference. They called for the early arrival of traditional leaders at the Conference site and for the cooperation of Somali political leaders in selecting the members of the transitional federal parliament. They warned that absent leaders would not be allowed to hold the process hostage, and that punitive measures would be taken against those obstructing the completion of the reconciliation process.

The security situation on the ground remained of concern, with an increase in threats and attacks on international and national aid workers. The security situation was particularly serious in Mogadishu, western Somaliland, Kismayo town, and parts of the western border area with Kenya. In Somaliland, the United Nations was forced to reduce its international staff and non-governmental organizations (NGOs) had curtailed activities there since mid-March. As a result of an April UN/NGO security mission to the area, additional international support was provided to the Special Protection Unit dedicated to protecting aid workers. Strengthened security measures were also being put in place throughout Somalia.

The humanitarian situation was also grave, following four consecutive years of drought in northern Somalia, causing massive livestock deaths and further impoverishing pastoralist families. UN agencies and NGOs responded with short-term interventions, including water trucking, food aid and supplementary feeding, mobile health clinics, veterinary services and cash grants. During the reporting period, UNHCR repatriated 2,918 Somali refugees from camps in Djibouti to Somaliland and implemented reintegration projects in Somalia to generate employment, provide education and assist the special needs of girls.

In his observations, the Secretary-General expressed hope that the two recent IGAD Ministerial Facilitation Committee meetings would help the Somali National Reconciliation Conference to conclude with an accepted outcome. The end-of-July time frame given by IGAD, by which to conclude the Conference, placed enormous pressure on the Somali parties and the region. It was incumbent on them to demonstrate the necessary political will to reach agreement on the remaining contentious issues. While the responsibility for peace in Somalia rested with all Somalis, it was at the same time incumbent on the international community to find a way to engage the country. He urged IGAD, the AU, the League of Arab States (LAS), the EU and the Security Council to consider additional measures in support of peace and national reconciliation in Somalia, and suggested that the Arms Embargo Monitoring Group could provide an impetus in that regard (see p. 263).

**Communication.** The EU, in a 28 May statement issued by its Presidency [S/2004/446], welcomed the outcome of the sixth IGAD ministerial meeting, which officially launched phase III of the Somali National Reconciliation Conference, and the commitment of IGAD member States to adopt a common approach based on political consensus. It appealed to all parties to continue their engagement with the reaffirmation of the importance of Somali ownership and consensus by all Somali clans on the principles and guidelines for the third and final phase; and agreement on a timetable for the remainder of the Conference and on a list of parliament members by the next IGAD meeting on 21 June.

**SECURITY COUNCIL ACTION (July)**

On 14 July [meeting 5003], following consultations among Security Council members, the President made statement S/PRST/2004/24 on behalf of the members:

The Security Council, recalling its previous decisions concerning the situation in Somalia, in particular the statement by its President of 25 February 2004, and welcoming the report of the Secretary-General of 9 June 2004, reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty,
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the Charter of the United Nations. The Council reiterates its firm support for the Somali National Reconciliation Process and the ongoing Somali National Reconciliation Conference in Kenya, launched under the auspices of the Intergovernmental Authority on Development, and commends the Intergovernmental Authority leaders, in particular the Government of Kenya, for their efforts in the search for peace in Somalia. The Council also commends the international observers for their active engagement in the process.

The Council welcomes the outcome of the fifth, sixth, seventh and eighth Intergovernmental Authority on Development Ministerial Facilitation Committee meetings on the Somali National Reconciliation Conference, which demonstrated the coherent regional approach and commitment of States members of the Intergovernmental Authority to national reconciliation in Somalia.

The Council welcomes the launching of phase III of the Somali National Reconciliation Conference, and encourages all parties to continue in their ongoing efforts to move the process forward and agree on a durable and inclusive solution to the conflict in Somalia and the establishment of a transitional federal Government for Somalia.

The Council recognizes that, while the establishment of a transitional federal Government will be an important step towards establishing sustainable peace and stability in Somalia, much effort will lie ahead if this objective is to be achieved. The Council emphasizes the need for the new Government, once formed, to engage with the international community and to use the transition period constructively for the purposes of reconciliation, stability and reconstruction.

The Council reiterates that the Somali parties should abide by and implement expeditiously the Eldoret Declaration of 27 October 2002 on the cessation of confrontation, and calls upon the Somali parties to continue working towards a comprehensive security arrangement for Somalia.

The Council reiterates that the Somali parties themselves bear the main responsibility for achieving a comprehensive ceasefire throughout Somalia. The Council calls upon the Somali parties to implement the ceasefire fully, to ensure security, and to resolve their differences by peaceful means.

The Council condemns those who obstruct the peace process, fully supports, in this regard, the warning of the Intergovernmental Authority ministers, and reiterates that those who persist upon the path of confrontation and conflict will be held accountable. The Council will continue to monitor the situation closely.

The Council welcomes the decision by the African Union to dispatch a reconnaissance mission to prepare the ground for the deployment of military monitors to Somalia, and calls upon Somali leaders to cooperate with this initiative.

The Council calls upon the international community to continue to support the Intergovernmental Authority in its facilitation of the Somali National Reconciliation Conference, and calls upon donor countries and organizations to contribute to the Conference, the Trust Fund for Peace-building in Somalia and the United Nations Consolidated Inter-Agency Appeal for Somalia.

The Council reiterates serious concern regarding the humanitarian situation in Somalia, and calls upon Somali leaders to facilitate the delivery of much-needed humanitarian assistance and to assure the safety of all international and national aid workers.

The Council reiterates its concern over the continued flow of weapons and ammunition to Somalia, commends the work of the Monitoring Group established pursuant to resolution 1592(2003) of 16 December 2003, and urges relevant States and entities to comply scrupulously with the arms embargo and to cooperate with the Monitoring Group.

The Council commends the work of Mr. Winston A. Tubman, the Representative of the Secretary-General, welcomes his visit to the region in support of the Intergovernmental Authority on Development-sponsored Somali peace process, and encourages him to continue his facilitation efforts.

The Council welcomes the Secretary-General’s meeting with the Somali parties on 8 July 2004 in Mbagathi, Kenya, and requests the Secretary-General to keep the Council regularly informed of developments at the Somali National Reconciliation Conference and to make timely recommendations on what additional measures could be taken by the Council in support of the Conference and its outcome.

Establishment of Transitional Federal Parliament

At the end of June, the controversies regarding the method of selecting members of the transitional federal parliament led Somali leaders to absent themselves from the Somali National Reconciliation Conference (Mbagathi), the Secretary-General stated in his 8 October report on Somalia (S/2004/694). However, concerted efforts by IGAD member States led to their gradual return in July. Each Somali clan (Hawiyie, Darod, Digil and Mirifle, Dir and the “Allied” clans) was requested to propose names for members of the Somali National Arbitration Committee and the collective leadership of the Conference (the Presidium), and a list of 61 members of parliament by 3 July, with the exception of the “Allied” clans, which were asked to submit a list of 31 members. On 8 July, the Secretary-General, addressing the Somali delegates at the Conference, reiterated the UN commitment to support the Conference’s outcome.

Negotiations on the number of seats to be allotted to each of the sub-clans proved challenging, but the problem was resolved during six IGAD ministerial meetings held in Nairobi over five months and the willingness of Somali leaders to compromise. At the tenth IGAD Ministerial Facilitation Committee meeting (Nairobi, 21-22 Au-
the Ministers focused on facilitating the selection of Somali members of parliament.

On 22 August, 194 members of the Transitional Federal Parliament of Somalia were sworn in office. Differences within the Harti sub-clan (Darod) over their choice were resolved after the intervention of the Kenyan President, Mwai Kibaki, and international observers. On 29 August, an additional 66 members were sworn in in the presence of the Kenyan Vice-President, who declared the Parliament formally inaugurated. By mid-September, 268 of a total membership of 275 had been sworn in.

The Transitional Federal Parliament held its first meeting in Nairobi on 2 September, at which five of its remaining seven members were sworn in. On 13 September, Sharif Hassan Sheikh Aden was elected Speaker of Parliament. Despite the efforts of international observers, only 23 women members were sworn in, well short of the agreed 35, or 12 per cent of the total membership, as stipulated by the transitional federal charter. To raise the level of inclusiveness at the Conference, and to gain support for its outcome, a dialogue with the Somali business community was held (Djibouti, 21-29 July) with the participation of regional ministers and UN senior staff.

The absence of General Mohamed Hersi “Morgan” from the Conference and reports that he was planning a military attack on Kismaayo caused concern among the civilian population of the region. He had been reported to be gathering his militia with the intention of attacking the Juba Valley Alliance (JVA), which had ousted him from Kismaayo in 1999. The JVA leader, Colonel Barre Hirale, a member of the transitional federal parliament, left the Conference and returned to Kismaayo. On 27 July, the Conference Chairman, Bethuel Kiplagat (Kenya), issued a press release on behalf of the IGAD Facilitation Committee, calling on regional countries to apply sanctions against General “Morgan” by, among other things, denying him entry to IGAD member States. General “Morgan” announced his intention to return to the Conference, on the condition, he said on 14 September, that JVA not attack his militia.

The question of Somaliland remained to be resolved. “President” Dahir Riyale Kahin of the “Republic of Somaliland” issued a press release on 7 July, warning that any attempt to resurrect the former Somali Union would trigger a new cycle of civil war that would engulf the entire Horn of Africa. He expressed satisfaction with international community pronouncements that the current Conference would be followed by the formation of a government for Somalia that would then enter into dialogue with the “government of Somaliland”.

The Secretary-General, in his observations, welcomed the planning under way in Nairobi, involving the United Nations Political Office for Somalia (UNPOS), the UN country team, the Somalia Aid Coordination Body, the European Commission, LAS and others, to arrive at a peace-building framework leading to the formulation of a rapid assistance package for the Somali transitional federal government.

He pointed to the likelihood, at the current stage of the Somali peace process, of a call for an expanded UN peace-building role. He proposed that any enhanced UN role in Somalia be incremental and based on discussions with the new government. In the meantime, he also proposed that resources for UNPOS for 2004-2005 be maintained at the current level. He appealed to the Somali leaders to improve security on the ground, and to the international community to support the peace process.

Communications. The AU and the EU issued statements welcoming the establishment of the Transitional Federal Parliament. In a 17 September communiqué (S/2004/755), the AU Peace and Security Council (Addis Ababa) commended the efforts of the IGAD Facilitation Committee. It encouraged the members of Parliament to work for the early election of a president and formation of a transitional federal government. In a 4 August statement of its Presidency (S/2004/640), the EU appealed to all parties to continue their engagement with the aim of establishing an inclusive government committed to an effective ceasefire, to the creation of a stable national environment, to working for humanitarian access across Somalia, to a federal Somalia and to cooperating with the international community.

Election of President

The members of the Transitional Federal Parliament elected on 10 October Colonel Abdullahi Yusuf Ahmed as President of Somalia, after three rounds of voting (S/2005/40). In the final round, Colonel Yusuf obtained 189 votes and the runner-up, Abdullahi Ahmed Addow, obtained 79 votes. Mr. Addow pledged to cooperate with the President. Prior to the vote, all 26 presidential candidates signed a declaration to support the elected President and to demobilize their militias.

In a 14 October statement issued by its Presidency (S/2004/865), the EU welcomed the election, which it believed would pave the way for the establishment of a transitional federal government, and pledged to support the transition to a federal State.
On 26 October [meeting 5064], following consultations among Security Council members, the President made statement S/PRST/2004/38 on behalf of the Council:


The Council reiterates its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, consistent with the purposes and principles of the Charter of the United Nations.

The Council commends the recent progress made at the Somali National Reconciliation Conference in Naika, including the establishment of the Transitional Federal Parliament of Somalia and the subsequent election of the Speaker of Parliament and the transitional President, which are important steps towards the re-establishment of peace and stability in Somalia.

The Council underscores the importance of consolidating the gains made so far, looks forward to the formation, in the near future, of a Transitional Federal Government inside Somalia, capable of beginning reconciliation and reconstruction in a spirit of consensus and dialogue with all the Somali parties.

The Council, in this regard, encourages the Transitional Federal Parliament and the President to take further steps to select a Prime Minister and an efficient and effective Cabinet, and to develop a preliminary programme of action and timetable for the transitional period. The Council urges the transitional federal institutions to involve women fully in post-conflict reconciliation and reconstruction. The Council also notes the ongoing discussion to outline possible coordination mechanisms between the Transitional Federal Government and the international community.

The Council commends member States of the Intergovernmental Authority on Development, in particular the Government of Kenya, as well as other countries and organizations for constructively supporting the Somali National Reconciliation Process for the past two years, and encourages them to continue their efforts in support of the cause of peace in Somalia.

The Council welcomes and expresses its support for the commitment of the African Union to assist the transitional process in Somalia, in particular through planning for a peace support mission to Somalia, including options for disarmament, demobilization and reintegration, and encourages the international donor community to contribute to these efforts.

The Council further welcomes the efforts of the United Nations Political Office for Somalia, the United Nations country team, the Somalia Aid Coordinating Body, the European Union, the Intergovernmental Authority on Development Partners Forum, the League of Arab States and others engaged in developing a peacebuilding framework leading to the formation of a rapid assistance package and calls upon the international community to support this package as well as emergency rehabilitation and economic development programmes as security returns to Somalia.

The Council shares the Secretary-General’s assessment that “at this stage of progress in the Somali peace process, there will likely be a call for an expanded peacebuilding role and presence for the United Nations, in order that it may assist the Somali parties in implementing their agreement. At the same time, it is clear that any enhanced role for the Organization in Somalia must be incremental, and should be based on the outcome of discussions with the new government.” The Council looks forward to the recommendations of the Secretary-General in this regard.

The Council urges the Somali leaders to create a favourable environment for the future Transitional Federal Government by making determined efforts to bring about improvements in the security situation on the ground and reiterates that those who persist on the path of confrontation and conflict will be held accountable: The Council will continue to monitor the situation closely.

**Formation of Transitional Federal Government**

As later reported by the Secretary-General [S/2005/89], the Transitional Federal Government of Somalia had been formed by the end of the year, with the completion of: the appointment by the President, on 3 November, of Ali Mohamed Gedi, a member of the Hawiye clan predominant in Mogadishu, as Prime Minister, which was endorsed by Parliament on 23 December; and the appointment by the Prime Minister, early in December, of 73 Ministers, Assistant Ministers and Ministers of State, which some in Parliament criticized as not in line with the “4.5 formula” for clan representation followed during the National Reconciliation Conference.

Earlier, a donors meeting (Stockholm, Sweden, 29 October) discussed options for a coordination structure to oversee and guide assistance to Somalia and requested the United Nations to take the lead role at the political and planning levels. They formed a Coordination and Monitoring Committee co-chaired by the United Nations and the Transitional Federal Government, which held its first meeting on 11 November. A UN inter-agency fact-finding mission visited Ethiopia and Kenya from 13 to 17 December to assess the progress made in the Somali peace process. The mission, which held talks with the President, the Speaker of Parliament, representatives of IGAD countries and donors, among others, stressed the need to provide support for the outcome of the peace process.

On 25 October, President Yusuf urged the AU Peace and Security Council to support his Government through the provision of 15,000 to 20,000 peacekeeping troops in order to restore security in Somalia. He based those figures on
the existence of an estimated 55,000 armed militiamen, 500 “technicals” and 2 million small arms in the country. In response, the AU organized a planning seminar (Addis Ababa, 4-5 November) for the stabilization of Somalia through the transitional period.

An IGAD special summit on Somalia (Nairobi, 14 October) recognized the Government of President Yusuf and agreed to hold talks with the AU, the United Nations, LAS, EU and the United States to make a case for a peace enforcement force in Somalia. On 17 November, the IGAD Council of Ministers agreed to establish an IGAD monitoring and follow-up team to continue to support the Somali peace process to succeed its Facilitation Committee.

Meanwhile in Somalia, the Somaliland Cabinet issued a statement on 11 October reiterating the “sovereignty and territorial integrity” of “Somaliland” as non-negotiable and requesting the international community’s help to prevent conflict between Somalia and “Somaliland”. Intermittent fighting continued throughout Somalia, and the prevailing insecurity and violence prevented the United Nations from implementing programmes in large areas of the country. Reports indicated large-scale violations of the arms embargo. Above-normal rainfall in most of Somalia during late 2004 brought a four-year drought to an end, providing relief to the country’s largely pastoral economy. However, the humanitarian emergency continued in drought-affected regions in the north and in other parts.

Security Council consideration. President Ahmed, addressing the Security Council on 19 November [meeting 5083] during its session in Nairobi, said that the Government was working on the two main objectives of consolidating reconciliation talks with the armed groups and realizing a tangible peace-building plan. He requested the Council to phase in a peace-building mission, including the deployment of a stabilization force in Somalia. Noting that the Government would not generate revenue for some time, he drew attention to the urgent need for financial resources for it to function and requested the Council to take measures to provide financial and diplomatic support.

SECURITY COUNCIL ACTION (November)

On 19 November [meeting 5083], following consultations among Security Council members, the President made statement S/PRST/2004/45 on behalf of the Council:

The Security Council reaffirms all its previous resolutions and the statements by its President concerning the situation in Somalia, in particular the statement by its President of 26 October 2004.

The Council reiterates its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, consistent with the purposes and principles of the Charter of the United Nations.

The Council welcomes the progress made in the Somali National Reconciliation Process, in particular the establishment of the Transitional Federal Parliament, the election of the Speaker of Parliament and the President and the appointment of the Prime Minister, which provides a sound and solid framework to achieve a comprehensive and lasting solution to the Somalia situation. The Council reiterates its expectation of the establishment of a broad-based, all-inclusive and effective government inside Somalia that will continue the reconciliation efforts with all Somali parties.

The Council stresses that it is the responsibility of all Somali parties to work together to consolidate the gains made so far and to achieve further progress. The Council calls upon them to seize this historic opportunity for peace in Somalia by developing a programme of action and timetable for the transitional period, creating a favourable environment for long-term stability and making determined efforts to rebuild the country.

The Council commends member States of the Intergovernmental Authority on Development, in particular the Government of Kenya, as well as other countries and organizations for all their constructive efforts to facilitate the Somali National Reconciliation Process.

The Council reaffirms its support for the commitment of the African Union to assist the transitional process in Somalia, in particular the planning for a mission in Somalia, including options for disarmament, demobilization and reintegration.

The Council encourages and urges donor countries and regional and subregional organizations to provide support to the efforts of the future Somali government and institutions to ensure their ability to function inside Somalia, and to assist in the reconstruction of Somalia. The Council encourages a dialogue between the international donor community and the future Transitional Federal Government on the principles and modalities of international coordination under discussion, including at the meeting held in Stockholm on 29 October 2004, and welcomes the United Nations lead facilitating role in that dialogue and in the subsequent coordination arrangements.

The Council reaffirms its full support for the peace process in Somalia and the commitment of the United Nations to assist the regional and subregional efforts in this regard.

The Council expresses its determination to continue to monitor the situation closely.

Arms embargo

Monitoring Group. In response to Security Council resolution 1509(2003) [YUN 2003, p. 254], the Secretary-General established a Monitoring Group charged with, among other tasks, investigating violations of the arms embargo covering
access to Somalia by land, air and sea. On 22 January [S/2004/73], the Secretary-General informed the Council of his appointment of four experts to the Group.

The Monitoring Group’s report was transmitted on 11 August [S/2004/604] by the Security Council Committee established pursuant to resolution 731 (1992) [YUN 1992, p. 202] concerning Somalia. The investigations revealed that arms continued to flow into, within and out of Somalia and were circulating inside the country. The pattern of the arms traffic and the resulting violations seemed to have changed, as arms traders and other businessmen were replacing warlords as the main importers of arms. Arms continued to be sold openly in local arms markets, in particular at the Bakaaraha arms markets in Mogadishu, the main source for arms in Somalia. The level of arms shipments to specific warlords from external sources had not changed, particularly arms obtained by special order, such as heavy weapons and ammunition. Arms flow out of Somalia was light but occurred daily, in particular to Kenya. Somali warlords, some of whom were involved in drug trafficking, were all violating the arms embargo.

The transportation of arms by air had decreased, the preferred means of transport being by land and sea. There was evidence that arms smuggled from one neighbouring Gulf State were transported to a port in another neighbouring State and thence to Somalia by road or by sea. The arms were delivered from external sources to the north and south of Somalia to several places along the Somali coastline, often by dhows and in some cases large vessels, and distributed by road. Sources indicated that some Somali warlords were not keen on seeing a government in place because it would undermine their business operations. Money obtained from arms and drug trafficking and other illegal activities was used to buy goods that were then smuggled into neighbouring countries. The Customs and border control of the neighbouring States were ineffective in enforcing the arms embargo due to a lack of capability and corruption.

The Monitoring Group considered premature the preparation of a draft list of those who continued to violate the arms embargo inside and outside Somalia, together with their supporters for possible Council action, as requested in resolution 1519 (2003). It recommended that the draft list be called a watch list, remain confidential and include individuals to be investigated further to establish whether they continued to violate the arms embargo. Continued monitoring of the arms embargo was necessary to ensure its effectiveness, but the limited duration of the Group’s mandate did not offer enough opportunity to investigate fully some of the alleged violations, thus making it difficult to come up with clear-cut and definitive cases of violation. Continuity of the Group was imperative at the current critical stage of the Somali National Reconciliation Conference (see p. 260), to enable it to act as a deterrent to potential violators and to ensure that opposition groups did not destabilize any new transitional government that might emerge from the Conference.

SECURITY COUNCIL ACTION (August)


The Security Council,
Reaffirming its previous resolutions and the statements by its President concerning the situation in Somalia, in particular resolution 731 (1992) of 23 January 1992, which established an embargo on all deliveries of weapons and military equipment to Somalia (hereinafter referred to as “the arms embargo”), and resolution 1590 (2005) of 16 December 2003,
Reiterating its firm support for the Somali National Reconciliation Process and the implementation of the arms embargo serve as mutually reinforcing processes,
Determined that the situation in Somalia constitutes a threat to international peace and security in the region,
Acting under Chapter VII of the Charter of the United Nations,

1. Stresses the obligation of all States to comply fully with the measures imposed by resolution 731 (1992);
2. Takes note of the report of the Monitoring Group of 11 August 2004 submitted pursuant to paragraph 6 of resolution 1519 (2003), and the observations and recommendations contained therein, and expresses its intention to give them due consideration in order to improve compliance with the measures imposed by resolution 731 (1992);
3. Requests the Secretary-General, in consultation with the Security Council Committee established pursuant to resolution 731 (1992) concerning Somalia (hereinafter referred to as “the Committee”), to re-establish, within thirty days of the date of adoption of the present resolution, and for a period of six months,
the Monitoring Group as referred to in paragraph 2 of resolution 1558(2004), with the following mandate:

(a) To continue the tasks outlined in paragraphs 2 (a) to (d) of resolution 1519(2003);

(b) To continue refining and updating information on the draft list of those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(c) To continue making recommendations based on its investigations on the previous reports of the Panel of Experts appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, and on the first report of the Monitoring Group;

(d) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;

(e) To provide to the Council, through the Committee, a midterm report and a final report covering all the tasks set out above;

4. Also requests the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

5. Reaffirms the need for implementation of the actions set out in paragraphs 4, 5, 7, 8 and 10 of resolution 1519(2003);

6. Expects the Committee, in accordance with its mandate, to recommend to the Council appropriate measures in response to violations of the arms embargo, by considering and developing, in close consultation with the Monitoring Group, specific proposals to improve compliance with the arms embargo;

7. Decides to remain actively seized of the matter.

In response to resolution 1558(2004) (above) recommending the re-establishment of the Monitoring Group, the Secretary-General, on 23 August [S/2004/676], appointed four experts as members of the Group.

Security Council Committee. On 29 December, the Chairman of the Security Council Committee established pursuant to resolution 751(1992) [YUN 1992, p. 202] concerning the arms embargo on Somalia submitted a report covering its activities in 2004 [S/2004/107]. The Committee held 3 formal and 10 informal meetings during the year. It discussed the work of the Monitoring Group and the replies received from 19 Member States to its request for information on violations of the arms embargo. As in the past, the Committee relied on the cooperation of States and organizations in a position to provide such information.

Eritrea-Ethiopia

The United Nations maintained its presence in Eritrea and Ethiopia, as it continued to monitor implementation of the 2000 Algiers ceasefire and peace agreements between the two countries [YUN 2000, p. 180] (known collectively as the Algiers Agreements), which regulated their border dispute that had led to armed conflict in 1998 and intermittent fighting since then. The United Nations Mission in Ethiopia and Eritrea (UNMEE), established in 2000, continued to monitor the border region inside and near the Temporary Security Zone and to support the work of the Boundary Commission, set up by the Agreement to determine the border. In 2002, the Commission completed the delimitation of the border and began the demarcation process, which was stalled by the end of 2003 when Ethiopia rejected significant parts of the Commission’s decision, which it had previously accepted as final and binding. At the beginning of 2004, both sides continued to restrict the freedom of movement of UNMEE in areas inside and adjacent to the Temporary Security Zone and both banned direct flights by UN aircraft between the Ethiopian capital of Addis Ababa and the Eritrean capital of Asmara.

Although no major incidents between the two countries occurred in early 2004, the lack of progress in the political situation, in particular the demarcation of the border, threatened the stability of the subregion. The Secretary-General, seeking to rekindle the political process, appointed a Special Envoy to explore with both Governments ways of overcoming the impasse. Ethiopia, however, refused to receive him on the grounds that it would not entertain any new process before the implementation of the Commission’s decision.

The Security Council, in September, extended the UNMEE mandate and approved reductions in its size and operations, as proposed by the Secretary-General, and took note of some positive developments in relations between UNMEE and both countries.

Ethiopia, on 25 November, proposed a five-point peace plan for resolving the bilateral dispute through peaceful means, which included working towards normalization of relations and opening dialogue on implementing the Boundary Commission’s decision on delimitation. Eritrea was dismissive of the proposal, stating that Ethiopia needed to express unconditional support of the Commission and its decision, withdraw from Eritrean territory and cooperate on demarcation of the border. In December, there was a steady increase of Ethiopian armed forces near the security zone.

Implementation of Algiers Agreements

Security Council consideration. On 7 January, at an informal meeting of the Security Council to consider the Secretary-General’s December 2003 report on the situation in Ethiopia and Eritrea...
In a press statement issued on that date [SC/7972-AFR/807], the Council President said that the Council members expressed concern about the lack of progress in the demarcation process. They reaffirmed the final and binding nature of the Eritrea-Ethiopia Boundary Commission’s decision and underlined the importance of its expeditious implementation within the framework of the Agreements. They also expressed disappointment about Ethiopia’s rejection of parts of the decision and its refusal to fully cooperate with the Commission. The Council members, while acknowledging the cooperative attitude of the Eritrean Government, appealed to both parties to initiate demarcation expeditiously. They supported the additional measures being considered by the Secretary-General to move demarcation and the peace process forward and urged both countries to respond positively to his proposals.

The Council members also expressed concern at the recent sharp increase in the restriction of UNMEE’s movement by Eritrea and the persisting administrative difficulties imposed by both parties. They urged both to provide full support to UNMEE, facilitate unrestricted movement of its personnel and establish a route for UNMEE flights between the two capitals. Noting recent inflammatory rhetoric by both sides, Council members called on them to engage in a broad political dialogue with a view to improving their relations and defusing tensions.

Appointment. The Secretary-General, on 29 January [S/2004/102], appointed Lloyd Axworthy (Canada) as his Special Envoy for Ethiopia and Eritrea to explore with them ways to overcome the current impasse in the implementation of the Algiers Agreements. He underscored that the offer of good offices did not represent a new initiative or alternative mechanism but would focus on the implementation of the Agreements, the Boundary Commission’s decision and relevant Security Council resolutions and decisions. On 9 February [S/2004/103], the Council welcomed the appointment and expressed support for the Secretary-General’s mission of good offices.

Communications. On 13 February [S/2004/16], Eritrea forwarded to the Council three letters from its President, Isaias Afwerki, to the Secretary-General concerning the peace process. The communications expressed Eritrea’s position on the matter of the Secretary-General’s Special Envoy, stating that Eritrea sensed an imposition on it to accept the new mission of the Special Envoy. Eritrea had decided not to entertain any new process, political or otherwise, before the full and expeditious implementation of the 2002 decision of the Boundary Commission [YUN 2002, p. 187] demarcating the border. In the letters, the President reiterated Eritrea’s position that the introduction of another process would serve no useful purpose. Eritrea blamed Ethiopia for the stalemate in the implementation process caused by its rejection of the Commission’s decision.

Report of Secretary-General (March). In his 5 March [S/2004/180] progress report on Ethiopia and Eritrea, the Secretary-General updated developments and described UNMEE activities since his December 2003 report [YUN 2005, p. 238]. Annexed to the report was the twelfth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 1 December 2003 to 26 February 2004, which had been unable to advance its demarcation activities.

The Secretary-General’s Special Envoy visited the region in late February, consulting with the Ethiopian leadership and AU officials in Addis Ababa; he did not visit Asmara because of Eritrea’s opposition to his mission.

The general situation in the Temporary Security Zone and the adjacent areas remained relatively stable but fragile during the reporting period. In the absence of progress in the demarcation of the border, UNMEE continued to patrol the Zone, monitor the redeployed positions of the parties’ armed forces in the adjacent areas, and observe the activities of the Eritrean militia and police in and around the Zone. UNMEE observed an increase in training activities, in particular by the Ethiopian Armed Forces, which conducted such an exercise near the southern boundary of the Zone. Incursions by Ethiopian herdsmen and their livestock into the Zone decreased marginally, and incidents of Ethiopian militia accompanying them had all but ceased. Meanwhile, allegations by both parties of cattle rustling and attacks on UNMEE property and/or personnel increased. On 2 February, Ethiopia severely restricted UNMEE’s freedom of movement by closing almost all roads leading into the country for 48 hours. On the Eritrean side, UNMEE movements were also restricted in areas adjacent to, and sometimes within, the Zone. UNMEE staff continued to experience difficulties at the airports in Addis Ababa and Asmara, and direct flights between the two capitals were still not permitted by both countries. The Military Coordination Commission, chaired by UNMEE, met on 2 February and endorsed a framework for the conduct of sector-level military coordination commissions, the first of which was convened on the Mereb River Bridge on 3 March.
Secretary-General appealed to Eritrea to sign the status-of-forces agreement with the United Nations without delay.

UN agencies continued to assist in addressing medium- to long-term food insecurity in an attempt to break the cycle of persistent emergency and need for humanitarian response in both countries. The full caseload of those requiring aid was estimated to be some 7.2 million people. UNMEE completed 88 quick-impact projects in the Temporary Security Zone and adjacent areas. However, the Trust Fund to Support the Peace Process in Ethiopia and Eritrea was almost depleted.

The Secretary-General said that the appointment of his Special Envoy was intended to provide an opportunity for both parties to present their positions and ideas on how to move the process forward. He reiterated his appeal to them, especially to Eritrea, to give his Special Envoy the opportunity to meet and discuss with their leadership how best his mission of good offices could help them overcome the impasse.

The continuing stalemate raised questions about the future of UNMEE, which was not meant to support a status quo indefinitely. Possible benchmarks for its reduction would include an improvement in the security environment, well-functioning sector military coordination commissions and meaningful progress in demarcation. UNMEE’s effectiveness would be kept under review and its operations adjusted and streamlined as needed. Meanwhile, the Secretary-General recommended that the Mission’s mandate be extended for six months, until 15 September.

SECURITY COUNCIL ACTION (March)


The Security Council,

Reaffirming all its previous resolutions and the statements by its President pertaining to the situation between Ethiopia and Eritrea, and the requirements contained therein, including in particular resolution 1507(2003) of 12 September 2003,

Reiterating its support for the peace process and its unwavering commitment, including through the role played by the United Nations Mission in Ethiopia and Eritrea, to the full and expeditious implementation of the comprehensive Peace Agreement signed at Algiers by the Governments of Ethiopia and Eritrea (hereinafter referred to as “the parties”) on 12 December 2000 and the preceding Agreement on Cessation of Hostilities signed on 18 June 2000 (“the Algiers Agreements”), and the delimitation decision of the Boundary Commission of 13 April 2002, embraced by the parties as final and binding in accordance with the Algiers Agreements,

Noting with concern the continuing impasse in the peace process, due mainly to the lack of progress in the demarcation of the border,

Taking note with concern of the twelfth report on the work of the Eritrea-Ethiopia Boundary Commission, of 27 February 2004, in particular its conclusion that under the present circumstances the Commission is unable to progress with demarcation activities,

Expressing its concern about Ethiopia’s rejection of significant parts of the decision of the Boundary Commission and its current lack of cooperation with the Commission,

Expressing disappointment about Eritrea’s refusal at present to engage with the Special Envoy of the Secretary-General for Ethiopia and Eritrea,

Emphasizing that cooperation with the Special Envoy offers both parties a concrete opportunity to move the peace process forward,

Recognizing the increasing demand for United Nations peacekeeping and resources from the international community for peacekeeping and peace-building purposes, and recalling the additional operational costs due to the delays in the demarcation process,

Expressing its support for the Special Representative of the Secretary-General for Ethiopia and Eritrea and for the Mission,

Having considered the report of the Secretary-General of 5 March 2004, and fully supporting the observations made therein,

1. Decides to extend the mandate of the United Nations Mission in Ethiopia and Eritrea until 15 September 2004 at the troop and military observer levels authorized by its resolution 1120(2000) of 15 September 2000;

2. Strongly urges the parties once again to cooperate fully and expeditiously with the Mission in the implementation of its mandate and to step up their efforts to ensure the security of all Mission staff, and reiterates in the strongest terms its demand that the parties allow the Mission full freedom of movement and remove with immediate effect and without preconditions any and all restrictions on, and impediments to the work of, the Mission and its staff in the discharge of their mandate;

3. Stresses that the primary responsibility for the implementation of the Algiers Agreements and the decision of the Eritrea-Ethiopia Boundary Commission lies with both parties;

4. Calls upon the parties to cooperate fully and promptly with the Boundary Commission and to create the necessary conditions for demarcation to proceed expeditiously, including through the unequivocal restating of Ethiopia’s acceptance of the decision of the Commission, the appointment by Ethiopia of field liaison officers and the payment of its dues to the Commission;

5. Reaffirms the crucial importance of a political dialogue between the two countries for the completion of the peace process and the consolidation of progress achieved so far, and urges both parties to normalize their relations, including through confidence-building measures, and to refrain from any threat or use of force against each other.
6. Reiterates its support for the initiative of the Secretary-General to exercise his good offices by appointing a Special Envoy in order to facilitate the implementation of the Algiers Agreements, the decision of the Boundary Commission and the relevant resolutions and decisions of the Security Council and to encourage the normalization of diplomatic relations between the two countries, and emphasizes that this appointment does not constitute an alternative mechanism;

7. Expresses its full support for the Special Envoy of the Secretary-General for Ethiopia and Eritrea. Mr. Lloyd Axworthy, stresses that the Special Envoy enjoys the unanimous support of the witnesses to the Algiers Agreements, namely the United Nations, the United States of America, Algeria, the African Union and the European Union, and urges both parties, in particular the Government of Eritrea, to engage constructively and without further delay with the Special Envoy;

8. Urges both parties once again to establish expeditiously a direct high-altitude flight route between Asmara and Addis Ababa to relieve the unnecessary additional cost to the Mission and Member States;

9. Decides to monitor closely the steps taken by the parties in the implementation of their commitments under the Algiers Agreements, including through the Boundary Commission, and to review any implications for the Mission;

10. Requests the Secretary-General to monitor the situation closely and to keep under review the effectiveness of the mission, and to adjust and streamline its operations as needed, taking into account also the mandate of the Mission as outlined in paragraph 2 of resolution 1320(2000);

11. Decides to remain actively seized of the matter.

Council President’s press statement. Following informal consultations in the Security Council and a Secretariat briefing on 4 May, the Council President released a press statement [SC/8085-AFR/918] expressing members’ concern at the deterioration in Eritrea’s cooperation with UNMEE and continuing restrictions on its freedom of movement, especially in areas adjacent to the Temporary Security Zone; the increase in detention of UNMEE local staff; the closure of the main supply route to UNMEE troops in Sector West by Eritrean authorities; and recent public allegations by a senior Eritrean government official that might negatively affect the security of UNMEE staff. Members were disappointed with Ethiopia’s continued rejection of significant parts of the Boundary Commission decision, which heightened regional tension and blocked completion of UNMEE’s mandate. Eritrea’s and Ethiopia’s actions raised questions about UNMEE’s long-term viability. Members were also concerned about the lack of progress in the implementation of the Boundary Commission’s demarcation decision and reiterated their support for the Special Envoy’s efforts to engage the two parties in order to overcome the current stalemate in the peace process.

Report of Secretary-General (July). On 7 July [8/2004/543], the Secretary-General, in his progress report on Ethiopia and Eritrea, said that, during the reporting period, relations between the Eritrean authorities and UNMEE had deteriorated, as a result of the government measures noted by the Council in its presidential statement (above). The Eritrean authorities had closed the main road from Asmara to Barentu, UNMEE’s main supply route to troops in Sector West. The Special Representative had written to President Isaias Afwerki asking for his personal intervention to reverse the trend, as had the Secretary-General. The Foreign Minister had assured visiting UN team that Eritrea was prepared to resolve any problems amicably.

Cooperation with Ethiopia remained at a workable level. Training activities by the Ethiopian Armed Forces continued, including the firing of heavy-calibre weapons close to the southern boundary of the Zone. Following discussions with the sector-level of the Military Coordination Commission, the Forces agreed to move live firing exercises at least five kilometres away from the Zone.

Reports of violations of the Zone, mostly cattle rustling, increased. In April, Eritrea reported three violations, which allegedly resulted in exchanges of fire between Eritrean militia and Ethiopians entering the Zone. Eritrean militia arrested two individuals of the Kunama ethnic group. On 25 May, a large explosion occurred in Barentu, in Sector West, killing an unconfirmed number of people and injuring dozens. As UNMEE continued to encounter restrictions of movement in areas adjacent to the Zone within Eritrea, its ability to monitor the redeployed positions of the Eritrean Defence Forces remained constrained.

The Military Coordination Commission met (Nairobi, 15 March and 10 May) to discuss the military situation in the Mission area, focusing on security aspects impacting on UNMEE operations. Sector-level coordination meetings were initiated in Sectors West and Centre, with meetings held in March, April and May.

The Boundary Commission, in its thirteenth report annexed to the Secretary-General’s report, reiterated that the stalemate persisted; consequently, it was maintaining its presence in the area, at a reduced level, so that it could resume operations if required. It also noted that Ethiopia had not paid its portion of the Commission’s expenses.

An escalation of public rhetoric on both sides was noted, and reports indicated that each con-
continued to upgrade and strengthen its armed forces. The Secretary-General expressed concern about public statements by Eritrean authorities attacking the peacekeeping operation and its staff. He noted the 7 April statement by the Ethiopian Foreign Ministry reiterating that the current demarcation line would disrupt the lives of border communities and lead to future conflict, and describing the demarcation process as flawed. He reminded the parties, in particular Ethiopia, that they themselves had entrusted the Boundary Commission with the entire demarcation process, had drawn up its mandate and had selected its Commissioners. Aware of the questions being raised about the long-term effectiveness of UNMEE, the Secretary-General initiated a review aimed at adjusting and streamlining UNMEE’s operations as needed, keeping in mind its mandate and the need to uphold the integrity of the ceasefire arrangements.

Communication. Eritrea, on 14 July [S/2004/571], characterized the Secretary-General’s report as replete with factual inaccuracies, biased against Eritrea, and portraying a distorted picture of the reality on the ground. It failed to recognize Ethiopia’s violation of international law and glossed over its provocative act of building new settlements in Badme, the seriousness of which the United Nations could not downplay. It was also silent on Ethiopia’s responsibility for the current state of affairs.

Eritrea stated that it fully respected UNMEE’s unhindered freedom of movement in the Zone. However, it could not accept a unilateral extension of the Zone by another stretch of territory termed “adjacent area”, nor did it subscribe to UNMEE’s interpretation of the 2000 Algiers Peace Agreements [YUN 2000, p. 180] as implying freedom of random inspection without prior notice and government approval. Eritrea cited examples of what it called UNMEE’s intrusive and unwarranted activities outside the Zone and emphasized the need for UNMEE to be neutral.

Appointment. On 6 July [S/2004/548], the Secretary-General informed the Security Council of the appointment of Major-General Rajender Singh (India) as UNMEE Force Commander, to replace Major-General Robert Gordon (United Kingdom) whose tour of duty was ending. The Council took note of the information [S/2004/549].

Press statement (July). The Security Council President, in a 15 July press statement [SC/850- Afr/995], said that Council members were satisfied that some restrictions on UNMEE’s freedom of movement had decreased, but stressed that several other open questions, such as direct flights between Addis Ababa and Asmara, remained unresolved. They called on both parties to continue to cooperate constructively with the Mission to maintain stability and prevent incidents in the border area. They also welcomed UNMEE’s ongoing efforts to streamline its operations.

Members welcomed the recent visit (3-7 July) of the Secretary-General to both capitals and expressed the hope that his meetings with Eritrea’s President Isaias Afwerki and Ethiopia’s Prime Minister Meles Zenawi would provide new momentum for the involvement of both parties with the Special Envoy.

Report of Secretary-General (September). In his 2 September progress report on Ethiopia and Eritrea [S/2004/708], the Secretary-General said that the general situation in the Temporary Security Zone and adjacent areas remained stable. Improvement in the cooperation of both parties with UNMEE had had a positive effect on the overall security environment. Restrictions imposed by Eritrea on UNMEE patrols inside and near the Zone had decreased. The main supply route to UNMEE troops in Sector West was re-opened on 9 August but closed again from 1 September. Detentions by Eritrea of locally recruited UN staff had also decreased. Cooperation between UNMEE and the military authorities on the Ethiopian side remained satisfactory. Except for a few incidents, the Ethiopian Armed Forces had imposed no restrictions on UNMEE patrols in the adjacent areas south of the Zone.

On 18 August, Prime Minister Meles Zenawi informed the Secretary-General of Ethiopia’s decision to allow UN aircraft to fly directly between Asmara and Addis Ababa without deviation, and on 31 August, an UNMEE team met with Ethiopian authorities to work out the technical details.

Under the chairmanship of the UNMEE Force Commander, the twenty-fifth meeting of the Military Coordination Commission was held (Nairobi, 5 July). A total of six sector-level meetings had been held to review the military situation.

As requested by the Security Council in resolution 1531 (2004) (see p. 267), the Secretary-General conducted a review of UNMEE’s effectiveness. He determined that the Mission’s military component was a vital factor of stability and cautioned the United Nations to be careful not to leave a security vacuum. At the same time, there was a realization that, after four years, the time had come to adjust its configuration, particularly in the force structure, which should be gradual, taking into consideration the security dynamics so as not to undermine UNMEE’s core monitoring function or the Boundary Commission’s prospect of...
resuming its work. Should the current stalemate in the peace process be broken, leading to the demarcation of the border, the Secretary-General said that he would recommend the temporary strengthening of UNMEE in a number of areas, including humanitarian, human rights and legal affairs. In the current circumstances, however, he recommended adjustments in two phases. Phase I, already in progress, included replacing the military demining contingent, which had left in June, with a modest commercial capacity, resulting in a net saving of $7 million and reducing force headquarters staff by up to 30 per cent. Phase II would entail repatriating the infantry battalion and support elements from Sector East and consolidating the existing three sectors into two. The remaining two infantry battalions would adjust their areas of responsibility to support and secure the military observers remaining in Sector East. The troop drawdown would be offset by an increase in air patrols. At the completion of Phase II, the military structure would comprise a force headquarters, two infantry battalions, two demining units, other support elements and up to 220 military observers. The force reserve would come from the remaining force structure. The number of civilian staff would be reduced commensurately. Further reductions might be justified following completion of Phase II and would depend on the situation on the ground.

The persistent humanitarian needs in Ethiopia and Eritrea remained of concern to UN agencies and implementing partners. Given that situation, the Secretary-General extended the mandate of his Special Envoy for the Humanitarian Crisis in the Horn of Africa, Martti Ahtisaari, for another six months to enable him to work with the two Governments, the donor community, the UN country teams and other stakeholders in identifying longer-term solutions to the humanitarian challenges.

Having met with the leaders of both countries during his visit in early July, the Secretary-General remained concerned about the absence of prospects for breaking the stalemate on the demarcation of the border. Neither side had offered any new ideas on how the peace process could be advanced. It should be clear to both parties that progress would not be made by merely restating and maintaining positions. It was time that the more cooperative spirit they had recently demonstrated towards UNMEE be applied to the broader political process in order to move it forward. While awaiting their further moves, the Secretary-General recommended that the UNMEE mandate be extended for a further six months, until 15 March 2005, and that the Security Council authorize the proposed adjustments indicated.

SECURITY COUNCIL ACTION (September)


The Security Council,

Reaffirming all its previous resolutions and statements pertaining to the situation between Ethiopia and Eritrea, and the requirements contained therein, including in particular resolution 1531(2004) of 12 March 2004,

Stressing its unwavering commitment to the peace process, including through the role played by the United Nations Mission in Ethiopia and Eritrea, and to the full and expeditious implementation of the comprehensive Peace Agreement signed on 12 December 2000 at Algiers by the Governments of Ethiopia and Eritrea (hereinafter referred to as “the parties”) and the preceding Agreement on Cessation of Hostilities signed on 18 June 2000 (“the Algiers Agreements”), and the delimitation decision of the Eritrea-Ethiopia Boundary Commission of 13 April 2002, embraced by the parties as final and binding in accordance with the Algiers Agreements,

Recalling that lasting peace between Ethiopia and Eritrea, as well as in the region, cannot be achieved without the full demarcation of the border between the parties,

Noting with concern, in this regard, the lack of progress made in the demarcation of the border, as reflected in the fourteenth report on the work of the Boundary Commission, of 29 August 2004, which concludes that under the present circumstances the Commission is unable to progress with demarcation activities,

Expressing its concern about Ethiopia’s ongoing rejection of significant parts of the decision of the Boundary Commission and its current lack of cooperation with the Commission,

Expressing disappointment about the continuing refusal of Eritrea to engage with the Special Envoy of the Secretary-General for Ethiopia and Eritrea, whose good offices represent a concrete opportunity for the parties to move the peace process forward,

Recalling the recent increase in United Nations peacekeeping activities and the need to allocate peacekeeping resources in the most effective manner, and recalling in this regard the additional burden caused by the delays in the demarcation process,

Having considered the report of the Secretary-General of 2 September 2004, and fully supporting the observations made therein,

1. Decides to extend the mandate of the United Nations Mission in Ethiopia and Eritrea until 15 March 2005;
2. Approves the adjustments to the Mission, including its presence and operations, as recommended by the Secretary-General in paragraphs 13 to 18 of his report;
3. Calls upon the parties to cooperate fully and expeditiously with the Mission in the implementation of
The Security Council President, in a 21 December press statement [SC/8276-AFR/1084], said that Council members welcomed the Ethiopian announcement of the five-point peace plan and Eritrea’s continued acceptance of the Commission’s decision. They were encouraged by the movement towards a peaceful solution of the

Ethiopia’s firm position that the decision of the Boundary Commission was flawed but realizing that lasting peace between Ethiopia and Eritrea was more important, adopted a five-point proposal on peace between them, submitted by Prime Minister Meles Zenawi. By the proposal, Ethiopia would resolve their dispute only through peaceful means and the root causes of their conflict through dialogue; it would accept in principle the Commission’s decision, agree to pay its Commission dues and appoint field liaison officers; and it would immediately start dialogue with a view to implementing the decision in question in a manner consistent with the promotion of sustainable peace. Ethiopia’s communication to the Secretary-General included the Prime Minister’s statement to the House announcing the proposal.

The EU, on 29 November [S/2004/938], welcomed Ethiopia’s announcement of the five-point peace plan and said that its agreement to accept the Boundary Commission’s decision was an indication of its commitment. The EU remained ready to play a supportive role in the peace process and emphasized that the normalization of relations would be an essential element for regional peace and security.

Eritrea, responding in a 12 December press release [S/2004/968], said that the way forward lay with Ethiopia’s full and unconditional respect of the Algiers Agreements; strict compliance with the Boundary Commission’s decision; withdrawal of its forces from Eritrean territories; and cooperation with the Commission to ensure expeditious demarcation of the boundary. Eritrea called on the international community to help secure peace and stability by putting pressure on Ethiopia to ensure demarcation.

On 15 December [S/2004/970], Ethiopia, in an aide-memoire said that it found Eritrea’s rejection of its five-point peace proposal puzzling as it addressed all of Eritrea’s concerns. Ethiopia said that its acceptance of the Boundary Commission’s decision was unequivocal and unconditional, but it had used the wording “accepts in principle” in recognition of the technical requirement for adjustments which required dialogue and the Commission’s identification of the “anomalies” and “impracticalities” of its decision, which could only be overcome by dialogue.

The Security Council President, in a 21 December press statement [SC/8276-AFR/1084], said that Council members welcomed the Ethiopian announcement of the five-point peace plan and Eritrea’s continued acceptance of the Commission’s decision. They were encouraged by the movement towards a peaceful solution of the
border dispute and looked forward to the beginning of the border demarcation process. They encouraged both countries to work towards a full normalization of their relations, to reiterate their commitment to solving their differences peacefully and to refrain from any destabilizing action in the border area.

**Report of Secretary-General (December).** The Secretary-General, in his 16 December progress report on Ethiopia and Eritrea [S/2004/975 & Corr.1 & Add.1], referred to Ethiopia’s five-point plan and Eritrea’s 10 December letter to the Boundary Commission. He stated that it was incumbent upon Ethiopia to express immediately unconditional respect for the Commission’s work, including full acceptance of its 13 August 2002 decision, and that Ethiopia had to withdraw its troops from Eritrean territory and cooperate fully with the expeditious demarcation of the border. He stated further that Ethiopia had not complied with the Commission’s order to remove illegal settlements from Eritrean territory.

As for the status of the Temporary Security Zone and adjacent areas, the general situation remained calm and the level of cooperation of the military authorities of both countries with UNMEE was satisfactory. During the reporting period, UNMEE observed incursions by both Ethiopian and Eritrean troops into the Zone. Freedom of movement for UNMEE personnel in Eritrea improved; however, the road from Asmara to Keren via Barentu remained closed to UNMEE, and immigration procedures imposed on its staff from Eritrean territory.

At meetings of the Military Coordination Commission, UNMEE put forward proposals for improving communications and the security situation, including the establishment of a communications hotline, the inclusion of local police and civil administrators as observers in future meetings and military and police withdrawal from within 250 metres of both sides of the Zone.

In general, the Secretary-General was encouraged by the parties’ continued commitment to the ceasefire, as manifested in the relative military stability in the border area and regular meetings of the Military Coordination Commission, and in their cooperation with UNMEE. However, serious improvement was still required as the protracted stalemate in the peace process continued. Noting Ethiopia’s intention to resolve the dispute through peaceful means, he welcomed any step that might contribute to the implementation of the Algiers Agreements and the Boundary Commission’s decision, the initiation of dialogue between Eritrea and Ethiopia and the willingness to address the root causes of the conflict and to normalize bilateral relations. He encouraged Ethiopia to formally initiate implementation of its proposal through the Boundary Commission and called on both parties to refrain from any action in the border area that could be viewed as destabilizing.

Annexed to the Secretary-General’s report was the fifteenth report [S/2004/975(Corr.1)] of the Boundary Commission covering the period 20 August to 14 December, which indicated no further progress in its demarcation activities. Noting Ethiopia’s five-point peace proposal, it said that Ethiopia had yet to pay its outstanding dues. An addendum to the Commission’s report was issued on 27 December [S/2004/975/Add.1].

**UNMEE financing**

On 21 January [A/58/633], the Secretary-General submitted the performance report on UNMEE’s budget for the period 1 July 2002 to 30 June 2003. Total expenditure for that period amounted to $209,619,100 out of an apportionment of $220,830,200, a variance of $11,211,100, or 5.1 per cent.

ACABQ reviewed the financial performance report on 12 April [A/58/750/Add.8] and recommended that the unencumbered balance of $11,211,100 and other income and adjustments totalling $13,294,000, be credited to Member States in a manner to be determined by the General Assembly. It recommended that the estimated budget requirement as requested be reduced by $3,129,200, to $198,331,600 gross ($193,774,200 net).

**General Assembly Action**

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/824], adopted resolution 58/302 without vote [agenda item 141].

**Financing of the United Nations Mission in Ethiopia and Eritrea**

*The General Assembly,*

_Having considered_ the reports of the Secretary-General on the financing of the United Nations Mission in Ethiopia and Eritrea and the related reports of the Advisory Committee on Administrative and Budgetary Questions,*

_Bearing in mind_ Security Council resolution 1312 (2000) of 31 July 2000, by which the Council established the United Nations Mission in Ethiopia and Eritrea, and the subsequent resolutions by which the Council extended the mandate of the Mission, the lat-
Recalling its resolution 55/237 of 23 December 2000 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 57/328 of 18 June 2003;

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000;

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

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

1. Takes note of the status of contributions to the United Nations Mission in Ethiopia and Eritrea as at 15 April 2004, including the contributions outstanding in the amount of 24.8 million United States dollars, representing some 4 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;

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 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. Restates 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 take all action necessary to ensure that the Mission is administered with a maximum of efficiency and economy;

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

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

11. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2002 to 30 June 2003;

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

12. Decides to appropriate to the Special Account for the United Nations Mission in Ethiopia and Eritrea the amount of 216,030,500 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of 198,331,600 dollars for the maintenance of the Mission, 7 million dollars for the strengthening of the safety and security of the staff and premises of the Mission, 8,746,800 dollars for the support account for peacekeeping operations and 1,952,100 dollars for the United Nations Logistics Base;

Financing of the appropriation

13. Decides also to apportion among Member States the amount of 216,030,500 dollars at a monthly rate of 18,092,541 dollars, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Mission;

14. Decides further that, in accordance with the provisions of its resolution 978(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of 5,943,800 dollars at a monthly rate of 495,356 dollars, comprising the estimated staff assessment income of 4,557,400 dollars approved for the Mission, the prorated share of 1,276,400 dollars of the estimated staff assessment income approved for the support account and the prorated share of 110,000 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

15. Decides that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against their apportionment, as provided for in paragraph 13 above, their respective share of the unencumbered balance and other income in the total amount of 24,505,100 dollars in respect of the financial period ended 30 June 2003, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 and its resolution 57/290 A of 20 December 2002, taking into account the scale of assessments for 2003 as set out in its resolutions 55/5 B of 23 December 2000 and 55/4 B of 20 December 2002;

16. Decides also that, for Member States that have not fulfilled their financial obligations to 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 24,505,100 dollars in respect of the financial period ended 30 June 2003, in accordance with the scheme set out in paragraph 15 above;
17. Decides further that the decrease of 5,100 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2005 shall be set off against the credits from the amount referred to in paragraphs 15 and 16 above;

18. Emphasizes that no peacekeeping operation shall be financed by borrowing funds from other active peacekeeping operations;

19. 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 peacekeeping operations;

20. 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;

21. Decides to include in the provisional agenda of its fifty-ninth session the item entitled “Financing of the United Nations Mission in Ethiopia and Eritrea”.

On 16 December [A/59/616], the Secretary-General submitted the performance report on UNMEE’s budget for the period 1 July 2003 to 30 June 2004 showing a total expenditure of $183,600,200 out of an apportionment of $188,400,000, a variance of $4,799,800 or 2.5 per cent. On 21 December [A/59/636], the Secretary-General submitted UNMEE’s budget for the period 1 July 2005 to 30 June 2006, amounting to $176,716,200.

The Assembly, on 23 December, decided that the agenda item on UNMEE financing would remain for consideration during its resumed fiftieth (2005) session (decision 59/552).

North Africa

Western Sahara
The United Nations continued its search in 2004 for an end to the dispute over the question of governance of Western Sahara, despite a lack of movement in narrowing the negotiating positions of the two parties to the dispute, Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (POLISARIO). Since the parties’ agreement in 1990 to hold a referendum for the people to decide between independence or integration of the Territory with Morocco, progress had been made in establishing voter rolls, but plans to organize elections had met with objections from both sides. In 2003, the Personal Envoy of the Secretary-General proposed a Peace Plan for Self-Determination of the People of Western Sahara, dividing responsibilities of governance between the parties before holding a referendum, but not requiring the approval of both sides for every step of implementation. POLISARIO eventually accepted the plan, but Morocco rejected it and continued to do so in 2004. In the Secretary-General’s view, an agreement appeared more distant by the end of 2004 than it had a year earlier, given the lack of consensus on measures to overcome the existing deadlock.

In June, the Secretary-General’s Personal Envoy, James A. Baker III, resigned, having concluded that he had done all he could to the settlement plan. The Secretary-General requested his Special Representative for Western Sahara, Alvaro de Soto, to continue to work with the parties and the neighboring States towards a mutually acceptable political solution.

The United Nations Mission for the Referendum in Western Sahara (MINURSO), established by Security Council resolution 690(1991) [YUN 1991, p. 794] to implement the UN settlement plan proposed by the Secretary-General, continued to monitor the ceasefire between the two parties and to report on developments, as it had for 15 years. On three occasions in 2004, the Council renewed its mandate, maintaining its authorized strength at 290 military personnel.

There was some progress in the implementation of confidence-building measures. The parties resumed family visits between Western Saharan refugees living in camps in Algeria and their relatives in the Territory, and telephone service was expanded in the camps. In February and June, POLISARIO released a total of 200 Moroccan prisoners of war, leaving another 412 such prisoners still in detention by late 2004, some of them for more than 20 years.

Peace-making efforts
Report of Secretary-General (January). The Secretary-General, in response to Security Council resolution 1513(2003) [YUN 2003, p. 264], reported on 19 January [S/2004/39] on developments in Western Sahara since his previous report [YUN 2003, p. 262]. During that period, his recently appointed Special Representative for Western Sahara, Alvaro de Soto (Peru), held talks with officials from Morocco, POLISARIO, Algeria and Mauritania. The area of responsibility of MINURSO remained calm, with no indication that either side intended to resume hostilities. Under the command of Major General Gyorgy Száraz (Hungary), it continued to monitor the ceasefire, conduct ground and air patrols, and inspect units larger than company size of the Royal Moroccan Army (RMA) and POLISARIO military forces. Both sides carried out routine maintenance and training activities. Some limitations on MINURSO’s
freedom of movement were imposed by POLISARIO in areas east of the berm. MINURSO continued to cooperate with the parties on the marking and disposal of mines and unexploded ordnance. That situation remained the pattern throughout 2004.

The Secretary-General reported that, since the release of 643 Moroccan prisoners of war in 2003 [YUN 2003, p. 258], 613 such prisoners remained held by POLISARIO, most of them for over 20 years. He reiterated his call for the release of all remaining prisoners of war and for both sides to account for those still missing in relation to the conflict. The situation of Western Saharan refugees deteriorated in early 2004, due to shortages of relief aid that resulted in acute and chronic malnutrition of those in the Tindouf area in Algeria. The World Food Programme (WFP) and UNHCR were planning a joint mission to the refugee camps. The UNHCR-operated telephone connection between the refugee camps in Algeria and the Territory was re-established on 12 January, and telephone service between one camp in the Tindouf area and the Territory was to be extended to other locations.

The Secretary-General’s Personal Envoy, James A. Baker III (United States), having held discussions with Moroccan officials in December 2003, was of the view that the MINURSO mandate should be extended until 30 April 2004 to allow him time to consult further with Morocco on its view and recommended that the Council extend the mandate for three months.

SECURITY COUNCIL ACTION (January)


The Security Council,
Recalling all its resolutions on Western Sahara, and reaffirming in particular resolution 1495(2003) of 31 July 2003,
1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 April 2004;
2. Requests that the Secretary-General provide a report on the situation before the end of the present mandate;
3. Decides to remain seized of the matter.

Report of Secretary-General (April). As requested by the foregoing resolution, the Secretary-General, in a 23 April report [S/2004/

325 & Add.1], described developments relating to Western Sahara since his January report.

His Personal Envoy held meetings with Moroccan officials on 2 and 15 April to discuss issues pertaining to Morocco’s final response to resolution 1495(2003) [YUN 2003, p. 262], calling on the parties to work with the United Nations and with each other towards accepting and implementing its terms. He also met with POLISARIO in March. During a meeting with the Personal Envoy on 15 April, Morocco delivered its final response to the plan, which was annexed to the report, raising issues that it considered unacceptable. It believed that the autonomy-based political solution offered to the people as a transitional step could only be final; it could therefore not agree to a transition period marked by uncertainty as to the final status of the Territory. On the other hand, the autonomy solution, as agreed to by the parties, by definition ruled out the possibility for the independence option to be submitted to the population. It was, therefore, out of the question for Morocco to engage in negotiations with anyone over its sovereignty and territorial integrity. With those aspects ruled out from the plan, Morocco was prepared to negotiate a final settlement through a viable autonomy status for the Sahara region.

During the reporting period, MINURSO conducted ground and air patrols to inspect Moroccan and POLISARIO forces. The limitations on the Mission’s freedom of movement in areas of the Territory east of the berm did not significantly affect its ability to monitor the situation in those areas. In February, MINURSO’s Force Commander became Officer-in-Charge also of the Mission during the absence of the Special Representative for Western Sahara, who had been asked by the Secretary-General to head his mission of good offices mission in Cyprus.

On 13 February, POLISARIO announced the release of a further 100 Moroccan prisoners of war, who were subsequently repatriated under the auspices of the International Committee of the Red Cross (ICRC), reducing the number of remaining prisoners to 514.

WFP and UNHCR undertook a joint assessment mission to the Tindouf refugee camps in January, where, despite improvements in donor support, the food situation remained unstable. The Special Representative and UNHCR promoted confidence-building measures aimed at facilitating person-to-person contacts between refugees in the camps in Algeria and their communities of origin in Western Sahara. The parties and Algeria, as the country of asylum, approved the revised UNHCR plan of action for family visits for refugees in the camps, which had been submitted to them in December 2003 [YUN 2003, p. 259].
The first exchange of family visits between Western Saharan refugees living in the Tindouf camps and their relatives in the town of Laayoune in the Territory began on 5 March, followed by four more exchanges of visits, all involving a total of 240 people from both sides. As at 31 March, over 8,500 people had sought to be included in the exchange programme. MINURSO civilian police escorted flights carrying visitors to and from the Territory and the Tindouf refugee camps.

The Secretary-General stated that opposition to a non-consensual solution to the conflict over Western Sahara was clear. He believed that Morocco’s final response to the Peace Plan would require the parties to agree to negotiate a solution based on “autonomy within the framework of Moroccan sovereignty”. Sovereignty, he noted, was the fundamental issue dividing the parties. Given their positions, the Council could either terminate MINURSO and return the issue of Western Sahara to the General Assembly, or try again to get them to work towards acceptance and implementation of the Peace Plan, which still constituted the best political solution to the conflict. The Secretary-General therefore hoped that the Council would reaffirm its recent unanimous support for the Plan and call upon the parties to work towards its implementation. To allow them sufficient time to work towards that goal, he recommended that MINURSO’s mandate be extended for 10 months, until 28 February 2005.

**SECURITY COUNCIL ACTION (April)**


The Security Council,

Recalling all its resolutions on Western Sahara, and reaffirming, in particular resolution 1495 (2003) of 31 July 2003,

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the purposes and principles of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect,

Having considered the report of the Secretary-General,

1. Reaffirms its support for the Peace Plan for Self-Determination of the People of Western Sahara as an optimum political solution on the basis of agreement between the two parties;
2. Reaffirms its strong support for the efforts of the Secretary-General and his Personal Envoy to achieve a mutually acceptable political solution to the dispute over Western Sahara;
3. Calls upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;
4. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 October 2004;
5. Requests that the Secretary-General provide a report on the situation before the end of the present mandate, and also requests the Secretary-General to include in this report an evaluation of the mission size necessary for the Mission to carry out its mandated tasks, with a view towards its possible reduction;
6. Decides to remain seized of the matter.

**Resignation of Personal Envoy.** On 11 June [S/2004/92], the Secretary-General informed the Security Council that his Personal Envoy for Western Sahara, who had served in that capacity for seven years, had offered his resignation, which the Secretary-General had accepted with deep regret.

The Secretary-General thanked the Envoy for the considerable effort and time he had devoted to helping the parties, and indicated that his Special Representative for Western Sahara, Mr. de Soto, would continue to work with the parties and neighbouring countries in pursuit of a just and lasting peace that would provide for the self-determination of the people of Western Sahara.


Algeria regarded the question of Western Sahara as one of decolonization, to be resolved through the exercise by the Saharans of their right to self-determination. Since the conflict involved Western Sahara and Morocco, the occupying Power, any settlement had to be reached only by those two parties. To place the problem in an Algerian-Moroccan context was a delaying tactic because Algeria, which had no direct part in the conflict, could not and would not replace Western Sahara in determining its future.

POLISARIO, in its letter, transmitted by Namibia, reviewed the history of the conflict and peace-making attempts. It agreed with the Secretary-General’s conclusion that Morocco had reneged on its commitments under the 1991 UN settlement plan [YUN 1991, p. 705], which it had accepted. Illegally occupying a neighbouring country for 30 years, Morocco had plundered its natural resources, caused wars in the region and frustrated the international community’s peace-making efforts. Western Sahara would continue to resist that foreign occupation until the attainment of its right to self-determination and independence.
Morocco annexed to its letter a memorandum of clarification in response to what it called the other parties’ diplomatic campaign to delay a definitive, consensual political solution. It asserted that its status with respect to Sahara was not that of a foreign State or of an occupying Power as Algeria had suggested, since “Sahara had been an integral part of the Kingdom of Morocco since time immemorial”, notwithstanding a colonial hiatus. Morocco had participated in good faith in the implementation of the UN settlement plan but this had been thwarted by POLISARIO’s constant efforts to distort the voter identification process for the referendum envisaged in that plan. For both legal and political reasons, it had rejected the Personal Envoy’s Peace Plan. Morocco believed that the search for a mutually acceptable political solution remained the best path to a definitive settlement of the regional dispute.

Report of Secretary-General (October). The Secretary-General, in response to resolution 1541 (2004) (see p. 276), submitted a 20 October report [S/2004/827] covering developments in Western Sahara since his April report. He indicated that his Special Representative, having completed his temporary assignment in Cyprus, resumed his responsibilities in respect of Western Sahara in July and, in September, conducted a round of consultations with the King of Morocco, the President of Mauritania, the Foreign Minister of Algeria and POLISARIO leaders on the Peace Plan. He ascertained that Morocco continued to reject elements of the Plan but was prepared to negotiate a mutually acceptable autonomy status, while POLISARIO maintained its support for it. Both POLISARIO and Algeria were opposed to discussing any aspect of the Plan unless Morocco agreed to support it. Mauritania maintained its willingness to support any solution that was mutually agreeable to the parties.

In June, POLISARIO announced the release of a further 100 Moroccan prisoners of war, who were repatriated to Morocco under ICRC auspices, leaving 412 prisoners in detention. UNHCR and the Special Representative urged the parties, during a series of consultations, to implement confidence-building measures. Exchange of visits between Western Saharan refugees in the Tindouf refugee camps in Algeria and their family members in the Territory took place on 31 August, with MINURSO support. The number of persons involved in the six months of the operation of the programme totalled 19,009, including 11,884 from the Tindouf area camps and 7,125 from the Territory. After a review of the first implementation phase of the confidence-building measures with the parties, they expressed their commitment to the continuation of those measures. They also agreed to continue the family visits and maintain the telephone service until the end of 2004 in order to give all concerned sufficient time to further review the draft plan of action for the second phase.

An assessment team from the Department of Peacekeeping Operations visited the area and identified two options regarding the strength of MINURSO’s military component. The first option would maintain the current level of 203 military observers working out of nine team sites on both sides of the buffer strip, with two sector headquarters and one force headquarters. The second would involve closing the two sector headquarters; increasing headquarters staff for personnel matters, logistics, operations and planning; and closing one of the team sites, thus reducing MINURSO’s total military strength to 193.

The Secretary-General observed that agreement on the Peace Plan appeared more distant than six months earlier, with no agreement on how to overcome the deadlock. However, he would continue to look for opportunities to advance the goal of enabling the people of Western Sahara to exercise their right to self-determination. Expressing concern about the recent escalation in public rhetoric emanating from the parties and the region, he viewed the renewal of the family visits as a welcome sign. He appealed to POLISARIO to release all remaining Moroccan prisoners of war, and to both Morocco and POLISARIO to cooperate with ICRC in accounting for all missing persons. The Secretary-General also noted the appearance in the heavily mined buffer strip of clandestine migrants, groups of whom occasionally remained stranded there without means of sustenance. That was part of a broader phenomenon of trafficking in human beings through the region, including through the MINURSO area of operations, which had no mandate or resources to deal with it.

In general, the effective monitoring of the ceasefire between the two countries by MINURSO over the previous 13 years had been a major stabilizing and confidence-building achievement. Both sides, having held consultations with the MINURSO Force Commander, preferred that the Mission’s size not be reduced. The Secretary-General, expressing his preference for maintaining the Mission’s military component as currently structured and staffed, recommended that the Security Council extend MINURSO’s mandate for six months, until 30 April 2005.

Security Council Action (October) On 28 October [meeting 5065], the Security Council unanimously adopted resolution 1570(2004). The draft [S/2004/869] was submitted by France,
the Russian Federation, Spain, the United Kingdom and the United States.

The Security Council, recalling all its previous resolutions on Western Sahara, including resolutions 1495(2003) of 31 July 2003 and 1541(2004) of 29 April 2004,

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect,

Reiterating its call upon the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution,

Having considered the report of the Secretary-General of 20 October 2004,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 April 2005;
2. Requests that the Secretary-General provide a report on the situation before the end of the mandate period and an interim report, within three months from adoption of the resolution, on the evolution of the situation and on the Mission’s size and concept of operation, with further detail on the options discussed in the report of the Secretary-General of 20 October 2004 on the possible reduction of the Mission staff, including civilian and administrative personnel;
3. Calls upon Member States to consider voluntary contributions to fund confidence-building measures that allow for increased person-to-person contact, in particular the exchange of family visits;
4. Decides to remain seized of the matter.

GENERAL ASSEMBLY ACTION

The General Assembly had before it the Secretary-General’s July report [A/59/54] summarizing reports on Western Sahara that had been submitted to the Security Council from 1 July 2003 to 30 June 2004.

On 10 December [meeting 71], the Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/59/68], adopted resolution 59/131 by recorded vote (50-0-100) [agenda item 20].

Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and General Assembly resolution 1514(XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 58/109 of 9 December 2003,

Recalling also all resolutions of the General Assembly and the Security Council on the question of Western Sahara,


Taking note of the responses of the parties and neighbouring States to the Personal Envoy of the Secretary-General, concerning the peace plan, contained in the report of the Secretary-General of 23 May 2005,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara,

Noting with satisfaction the entry into force of the ceasefire in accordance with the peace plan for self-determination of the people of Western Sahara, adopted by the Security Council, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Underscoring, in this regard, the validity of the settlement plan, while noting the fundamental differences between the parties in its implementation,

Stressing that the lack of progress in the settlement of the dispute on Western Sahara continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region and that, in view of this, the search for a political solution is critically needed,

Welcoming the efforts of the Secretary-General in search of a mutually acceptable political solution, which will provide for self-determination of the people of Western Sahara,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having also examined the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;
2. Underlines Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties;
3. Continues to support strongly the efforts of the Secretary-General in order to achieve a mutually acceptable political solution to the dispute over Western Sahara;
4. Commends the Secretary-General for his outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provide for those efforts;
5. Calls upon all the parties and the States of the region to cooperate fully with the Secretary-General;
6. Reaffirms the responsibility of the United Nations towards the people of Western Sahara;
7. Calls upon the parties to cooperate with the International Committee of the Red Cross in its efforts to solve the problem of the fate of the people unaccounted for, and calls upon the parties to abide by their...
obligations under international humanitarian law to release without further delay all those held since the start of the conflict;
8. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its sixtieth session;
9. Invites the Secretary-General to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 59/131:

In favour: Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Barbados, Belarus, Belize, Bolivia, Botswana, Burundi, Cambodia, Colombia, Cuba, Democratic People’s Republic of Korea, Dominica, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Grenada, Guinea-Bissau, Guyana, Jamaica, Kenya, Lao People’s Democratic Republic, Lesotho, Liberia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nauru, Panama, Papua New Guinea, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, South Africa, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

Against: None.

Absent: Albania, Andorra, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, Comoros, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Monaco, Mongolia, Montenegro, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Palau, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Yemen

MINURSO

In 2004, the military component of the United Nations Mission for the Referendum in Western Sahara (MINURSO), which was under the command of Major General György Száraz (Hungary), continued to monitor the ceasefire between the Royal Moroccan Army and the POLISARIO forces that had been in effect since 1991 [YUN 1991, p. 796]. Its strength throughout the year remained at approximately 230 troops, its authorized size.

MINURSO financing

The General Assembly, at its resumed fifty-eighth session, had before it the performance report on the MINURSO budget for 1 July 2002 to 30 June 2003 [A/58/642 & Corr.1], showing a total expenditure of $40,976,400 for the reporting period, out of an appropriation of $45,200,300; and the MINURSO budget for 1 July 2004 to 30 June 2005 [A/58/657], amounting to $44,134,700, inclusive of budgeted voluntary contributions in kind totalling $2,144,700.

ACABQ, having reviewed both reports, recommended, on 12 April [A/58/759/Add.2], that the unencumbered balance of $3,120,500 for the period 1 July 2002 to 30 June 2003 and other income and adjustments in the amount of $2,833,000, be credited to Member States in a manner to be determined by the Assembly. It also recommended that the estimated requirements in the proposed budget for 1 July 2004 to 30 June 2005 of $41,990,000 be reduced by $130,000, to $41,860,000, should the Security Council decide to continue the mandate of the Mission beyond 30 April 2004.

GENERAL ASSEMBLY ACTION

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/830], adopted resolution 58/309 without vote [agenda item 147].

Financing of the United Nations Mission for the Referendum in Western Sahara

The General Assembly,
Having considered the reports of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara and the related reports of the Advisory Committee on Administrative and Budgetary Questions,
Recalling Security Council resolution 690(1991) of 29 April 1991, by which the Council established the United Nations Mission for the Referendum in Western Sahara, and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 1541(2004) of 29 April 2004,
Recalling also its resolution 45/266 of 17 May 1991 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 57/331 of 18 June 2003,
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, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,
Noting with appreciation that voluntary contributions have been made to the Mission,
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 Mission for the Referendum in Western Sahara as at 15 April 2004, including the contributions outstanding in the amount of 44.9 million United States dollars, representing some 8 per cent of the total assessed contributions, notes with concern that only thirty-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;
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. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full;

5. 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;

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

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

8. 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;

9. 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;

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

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

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

12. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2002 to 30 June 2003;

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

13. Decides to appropriate to the Special Account for the United Nations Mission for the Referendum in Western Sahara the amount of 44,041,200 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of 41,860,000 dollars for the maintenance of the Mission, 1,783,200 dollars for the support account for peacekeeping operations and 388,000 dollars for the United Nations Logistics Base;

Financing of the appropriation

14. Decides also to apportion among Member States the amount of 44,041,200 dollars at a monthly rate of 3,670,100 dollars, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 and its resolution 57/290 A of 20 December 2002, 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;

15. Decides further that, for Member States that have not fulfilled their financial obligations to 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 5,953,500 dollars in respect of the financial period ended 30 June 2003, in accordance with the scheme set out in paragraph 16 above;

16. Decides that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against their apportionment, as provided for in paragraph 14 above, their respective share of the unencumbered balance and other income in the total amount of 5,953,500 dollars in respect of the financial period ended 30 June 2003, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 and its resolution 57/290 A of 20 December 2002, 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;

17. Decides also that, for Member States that have not fulfilled their financial obligations to 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 5,953,500 dollars in respect of the financial period ended 30 June 2003, in accordance with the scheme set out in paragraph 16 above;

18. Decides further that the decrease of 444,800 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2003 shall be set off against the credits from the amount referred to in paragraphs 16 and 17 above;

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

20. 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;

21. 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;

22. Decides to include in the provisional agenda of its fifty-ninth session the item entitled “Financing of the United Nations Mission for the Referendum in Western Sahara”.

On 23 December, the Assembly decided that the agenda item on MINURSO financing would remain for consideration during its resumed fifty-ninth (2005) session (decision 59/552).

Libyan Arab Jamahiriya

Implementation of NPT Safeguards Agreement

The Board of Governors of the International Atomic Energy Agency (IAEA), in its resolution 2004/C-18 of 10 March [GOV/2004/18] (see p. 549), welcomed the 19 December 2003 decision of the Libyan Arab Jamahiriya (YUN 2003, p. 290) to abandon its programmes for developing weapons of mass destruction and their means of delivery, and its request to IAEA to ensure verification that all
its nuclear activities would be under safeguards and exclusively for peaceful purposes [YUN 2003, p. 550]. IAEA appreciated Libya’s active cooperation and openness since that date to facilitate the Agency’s verification work and the elimination of those programmes.

SECURITY COUNCIL ACTION

On 22 April [meeting 4940], following consultations among Security Council members, the President made statement S/PRST/2004/10 on behalf of the Council:

The Security Council takes note of resolution 2004/18 of 10 March 2004 of the Board of Governors of the International Atomic Energy Agency regarding the implementation of the safeguards agreement of the Socialist People’s Libyan Arab Jamahiriya, in facilitation of the Treaty on the Non-Proliferation of Nuclear Weapons, by which the Board requested the Director General of the International Atomic Energy Agency to report a case of non-compliance to the Security Council for information purposes only, while commending the Socialist People’s Libyan Arab Jamahiriya for the actions it has taken to date and those it has proposed to take to remedy it.

The Council welcomes the decision by the Socialist People’s Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery and the positive steps taken to fulfill its commitments and obligations, including its active cooperation with the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons. The Council takes note that in its resolution 2004/18 the Board of Governors of the International Atomic Energy Agency recognized the decision of the Socialist People’s Libyan Arab Jamahiriya as a step towards the realization of the goal of an Africa and a Middle East free of weapons of mass destruction and at peace.

The Council reaffirms the need to seek to resolve proliferation problems by peaceful means through political and diplomatic channels.

The Council welcomes existing and future efforts to assist the Socialist People’s Libyan Arab Jamahiriya in this task, and expresses the hope that the steps taken by the Socialist People’s Libyan Arab Jamahiriya would facilitate and improve international cooperation with and enhance the security of that country.

The Council encourages the Socialist People’s Libyan Arab Jamahiriya to ensure the verified elimination of all of its weapons of mass destruction programmes. It welcomes the roles played in that regard by the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons in facilitating the fulfillment of the commitments of the Socialist People’s Libyan Arab Jamahiriya, demonstrating the importance and usefulness of existing international treaty regimes.

The Council expresses the hope that resolution 2004/18 will be implemented in the spirit of continued cooperation.

Southern Africa

Angola

The General Assembly, in resolution 59/216 of 22 December, welcomed the successful implementation of the 2002 Memorandum of Understanding additional to the Lusaka Protocol [YUN 2002, p. 221], which ended hostilities in Angola and created unprecedented conditions for the re-establishment and consolidation of peace in Angola. The Assembly requested Angola and the United Nations, and invited international financial institutions, to prepare and organize an international donors conference for long-term development and reconstruction of the country, including special economic assistance (see p. 927).

Following completion of the mandates and subsequent closure of the United Nations Angola Verification Mission (UNAVEM) (in 1997) and the United Nations Observer Mission in Angola (MONUA) (in 1999), the Assembly decided on 13 September 2004 to defer consideration of the agenda item on the financing of those two missions and to include it in the draft agenda of its fifty-ninth (2004) session (decision 58/577). On 23 December, the Assembly decided that the item would remain for consideration during its resumed fifty-ninth (2005) session (decision 59/552).

Mozambique

The General Assembly, by resolution 59/214 of 22 December, commended Mozambique for its efforts in the maintenance of peace, stability, economic growth and development and for the enhancement of democracy and the consolidation of national reconciliation in the country. It requested the Secretary-General to make arrangements to continue to mobilize and coordinate humanitarian and reconstruction assistance to support Mozambique (see p. 930).

Zimbabwe

In statements released on 15 April and 28 May [S/2004/336, S/2004/447] and forwarded to the Security Council, the EU Presidency condemned the violence, intimidation and irregularities before and during parliamentary by-elections in Zimbabwe. In a further statement on 23 June [S/2004/506], the EU condemned the Government’s closure of a newspaper prior to elections.
Other issues

Comoros

The AU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, in a communiqué issued on 30 January and transmitted to the Security Council [S/2004/88], welcomed the signing of the Moroni agreement on 20 December 2003 on the Transitional Arrangements in the Comoros and the outcome of the first meeting of the Follow-up Committee on the agreement (5 - 7 January 2004), as well as the progress made since then in the search for a lasting solution to the Comorian crisis.

The Central Organ authorized the deployment of an AU Observer Mission (MIOC) for a period of four months, as recommended in the report of the Chairperson of the Commission on the Situation in the Comoros. It welcomed the positive outcome of the meeting convened in Paris on 21 January to establish the trust fund to support the ongoing transition in the Comoros.

Cooperation between the AU and the UN system

In 2004, the Security Council, at its 19 November meeting [meeting 5084] in Nairobi, considered its institutional relationship with the AU. The representative of the AU Chairman, in his address to the Council, drew attention to the various areas of cooperation between the United Nations and the AU, particularly in the establishment of the AU Peace and Security Council, the Military Staff Committee, the African Standby Force and the early warning system in Africa (see p. 14). He hoped that the cooperation for capacity-building in Africa would be further enhanced in all those areas. He also praised support for the AU Commission and the New Partnership for Africa’s Development.

The EU, in a 25 May statement [S/2004/444], welcomed the launching of the AU Peace and Security Council.

SECURITY COUNCIL ACTION

On 19 November [meeting 5084], following consultations among Security Council members, the President made statement S/PRST/2004/44 on behalf of the Council:

The Security Council reiterates its primary responsibility for the maintenance of international peace and security, and recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security is an important pillar of the system of collective security established by the Charter of the United Nations, as provided for in Chapter VIII thereof.

The Council reaffirms the statement by its President of 20 July 2004, which underscores the importance of a stronger relationship between the United Nations and regional organizations consistent with the principles set forth in Articles 52 and 53 of the Charter.

The Council, at its meeting on 19 November 2004 in Nairobi, addressed the institutional relationship between the United Nations and the African Union, including their collective efforts to resolve African conflicts and to promote sustainable peace, development and stability.

The Council, referring to the Constitutive Act of the African Union, welcomes the establishment of the Peace and Security Council of the African Union, and expresses its support for early ratification of the Peace and Security Protocol by all African States and the establishment of an African standby force and an early warning system in Africa. The completion of these efforts will allow for better coordination of regional mechanisms to foster peace and security, sustainable development and the eradication of poverty in Africa, as set forth in the New Partnership for Africa’s Development.

The Council recognizes the importance of strengthening cooperation with the African Union in order to help build its capacity to deal with collective security challenges, including through the establishment of rapid and appropriate responses to emerging crisis situations and the development of effective strategies for conflict prevention, peacekeeping and peacebuilding.

The Council welcomes, in this regard, the provision by the United Nations and donors of technical, logistical and military planning support to the African Union in the establishment of African Union peace and security mechanisms and operations.

The Council particularly welcomes the leading role of the African Union in efforts to settle crises on the African continent, and expresses its full support for the peace initiatives conducted by the African Union, and through subregional organizations such as the Economic Community of West African States, the Southern African Development Community, the Central African Economic and Monetary Community, the Intergovernmental Authority on Development and other regional agreements committed to the peaceful settlement of disputes in Africa. The Council underlines the importance of being kept fully informed, consistent with Article 54 of the Charter.

The Council also welcomes the strengthening of practical cooperation between the United Nations and the African Union, as demonstrated in the case of the African Mission in the Sudan and the African Mission in Burundi, to support and enhance the management and operational capacities of the African Union in the field of peacekeeping and peacebuilding.

The Council calls upon the international community to support the efforts of the African Union to strengthen its capacities for peacekeeping, conflict resolution and post-conflict reconstruction, through the provision of information, training, expertise and
resources, and to support the activities of the United Nations and its agencies in this regard.

The Council further invites the Secretary-General to explore, in close consultation with the Chairperson of the African Union Commission, new means of cooperation between the United Nations and the African Union, especially taking into consideration the expanded mandate and the new organs of the African Union.

**Report of Secretary-General.** The Secretary-General, in his 1 September consolidated report on cooperation between the United Nations and regional and other organizations [A/59/903], said that consultations continued to be held on a regular basis and at all levels between the United Nations and the AU. He described specific areas of cooperation between them and efforts to strengthen that cooperation.

**GENERAL ASSEMBLY ACTION**

On 20 December [meeting 74], the General Assembly adopted resolution 59/213 [draft A/59/L.54 & Add.1] without vote [agenda item 56 (a)].

**Cooperation between the United Nations and the African Union**

The General Assembly,

Having considered the report of the Secretary-General on cooperation between the United Nations and regional and other organizations,

Recalling the provisions of Chapter VIII of the Charter of the United Nations, as well as its resolutions 55/218 of 21 December 2000, 56/48 of 7 December 2001 and 57/48 of 21 November 2002,

Recalling also the principles enshrined in the Constitutive Act of the African Union adopted at the meeting of the Heads of State and Government of the African Union, held in Lomé from 10 to 12 July 2000,

Recalling further the decisions and declarations adopted by the Assembly of the African Union at its first, second and third ordinary sessions, held in Durban, South Africa, on 9 and 10 July 2002, in Maputo from 10 to 12 July 2003 and in Addis Ababa from 6 to 8 July 2004, respectively,

Welcoming the entry into force of the Protocol relating to the Establishment of the Peace and Security Council of the African Union, on 20 December 2003, and the policy framework document on the establishment of an African standby force and a military staff committee,

Welcoming also the statement by the President of the Security Council at the 5084th meeting of the Security Council, held in Nairobi on 19 November 2004, on the institutional relationship with the African Union,

Welcoming further the Vision and Mission of the African Union and the proposals contained in the Strategic Plan of the Commission of the African Union, as adopted at the meeting of the Heads of State and Government of the African Union, held in Addis Ababa from 6 to 8 July 2004,

Bearing in mind the United Nations Declaration on the New Partnership for Africa’s Development, contained in its resolution 57/2 of 16 September 2002, and its resolutions 57/7 of 4 November 2002 and 58/233 of 25 December 2003, and welcoming the renewed commitments by the international community to support the New Partnership and other related initiatives for Africa,

Welcoming decision AU/Dec.38(III) adopted by the third ordinary session of the Assembly of the African Union, on the implementation of the New Partnership,

Bearing in mind the Declaration and the Plan of Action contained in the document entitled "A world fit for children", adopted at the special session of the General Assembly on children, held in New York from 8 to 10 May 2002 and the African Common Position on Children, endorsed by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held in Lusaka from 9 to 11 July 2001,

Appreciating the continuous efforts of African countries in mainstreaming gender perspectives and the empowerment of women in decision-making organs, and in this regard welcoming the Solemn Declaration on Gender Equality in Africa, adopted at the ordinary session of the Assembly of the African Union,

Taking note of the Plan of Action on the Family in Africa launched by the African Union at its extraordinary summit meeting on the family in Africa, held in Cotonou, Benin, from 25 to 27 July 2004, as Africa’s contribution to the celebration of the tenth anniversary of the International Year of the Family,

Taking note also of the Declaration on Employment and Poverty Alleviation in Africa adopted at the extraordinary summit meeting of the African Union on employment and poverty alleviation in Africa, held in Ouagadougou from 3 to 9 September 2004,

Noting the efforts to be undertaken by the African Union and its organs and regional economic communities and bodies in the area of economic integration, and the need to accelerate the process of the full establishment and consolidation of the African Union so as to achieve sustainable development,

Stressing the urgent need to address the plight of refugees and internally displaced persons in Africa, and noting in this context decision EX.CL/Dec.127(V) on the situation of refugees, returnees and displaced persons in Africa, adopted by the Executive Council of the African Union at its fifth ordinary session, held in Addis Ababa from 30 June to 3 July 2004, and the conference convened by the African Parliamentary Union and the United Nations High Commissioner for Refugees on “Refugees in Africa: the challenges of protection and solutions”, held in Cotonou from 1 to 3 June 2004,

Recognizing the importance of developing and maintaining a culture of peace, tolerance and harmonious relationships based on the promotion of economic development, democratic principles, good governance, the rule of law, human rights, social justice and international cooperation, as reflected in the Constitutive Act of the African Union and the Declaration on Democracy, Political, Economic and Corporate Governance of the New Partnership for Africa’s Development,

Stressing the need for extending the scope of cooperation between the United Nations and the African Union in the area of combating illegal exploitation of natural resources,
Emphasizing the importance of the effective, coordinated and integrated implementation of the United Nations Millennium Declaration, the Doha Development Agenda, the Monterrey Consensus of the International Conference on Financing for Development and the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”),

Welcoming the adoption of the Protocol establishing the African Court on Human and Peoples’ Rights to complement the African Commission on Human and Peoples’ Rights,

Acknowledging the entry into force of the 1999 Algiers Convention on the Prevention and Combating of Terrorism, and noting the centrality of international partnership and cooperation between the African Union, the relevant United Nations organs and the wider international community in the global fight against terrorism,

Taking note of the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, and the Framework for Action thereon, and the Maputo Declaration on Malaria, HIV/AIDS, Tuberculosis and Other Related Infectious Diseases,

Acknowledging the contribution of the United Nations Liaison Office in strengthening coordination and cooperation between the African Union and the United Nations, as well as the need to consolidate it so as to enhance its performance,

Convinced that strengthening cooperation between the United Nations and the African Union and its organs will contribute to the advancement of the principles of the Constitutive Act of the African Union and to the development of Africa,

Takes note with appreciation of the report of the Secretary-General;

2. Welcomes the cooperation between the African Union and the United Nations and, in this respect, the continuing participation in and constructive contribution of the African Union and its specialized agencies to the work of the United Nations, and calls upon the two organizations to enhance the involvement of the African Union in all United Nations activities concerning Africa;

3. Stresses the need for closer cooperation and coordination between the African Union and the United Nations, and urges the United Nations system to continue to support the African Union on an ongoing basis in accordance with the Cooperation Agreement between the two organizations as well as other memorandums of understanding;

4. Calls upon the Secretary-General to involve the African Union and its organs closely in the implementation of the commitments contained in the United Nations Millennium Declaration, especially those that relate to addressing the special needs of Africa;

5. Invites the Secretary-General to request all relevant United Nations agencies to intensify their cooperation with the African Union in the establishment of its organs, including through the implementation of the protocols to the Constitutive Act of the African Union and the Treaty establishing the African Economic Community, and to assist in the effective harmonization of the programmes of the African Union with those of the regional economic communities;

6. Requests the agencies of the United Nations system working in Africa to include in their programmes at the national, subregional and regional levels, activities to support African countries in their efforts to enhance regional economic cooperation and integration;

7. Invites the Secretary-General to request the United Nations system to enhance its support to the African Union in the implementation of its Vision and Mission and the Strategic Plan of the Commission of the African Union, particularly in the following areas:
   (a) Setting up of support structures and management;
   (b) Adaptation of structure to strategy and strengthening of skills in institutional consolidation;
   (c) Modernization of information and communication technology and advancement of indigenous technology;
   (d) Building of internal capacity to mainstream gender;
   (e) Promotion of free and democratic elections;
   (f) Disaster management;
   (g) Integrated health system in Africa;
   (h) Elaboration of an African social policy model:
      children first;
   (i) Support for the African Committee of Experts on the Rights and Welfare of the Child;
   (j) Global advocacy for the African Union vision, to consolidate integration and promote sustainable development in Africa;

8. Requests the United Nations system, while acknowledging its primary role in the promotion and maintenance of international peace and security, to intensify its assistance to the African Union, as appropriate, in strengthening the institutional and operational capacity of its Peace and Security Council, in particular in the following areas:
   (a) Development of its early warning system, including the Situation Room of the Peace and Security Directorate;
   (b) Training of civilian and military personnel, including a staff exchange programme;
   (c) Regular and continued exchange and coordination of information, including between the early warning systems of the two organizations;
   (d) Peace support missions of the African Union in its various member States, in particular in the area of communication and other related logistical support;
   (e) Capacity-building for peacebuilding before and after the termination of hostilities on the continent;
   (f) Support for the Peace and Security Council in taking humanitarian action on the continent in accordance with the Protocol relating to the Establishment of the Peace and Security Council;
   (g) Establishment of the African standby force and the military staff committee;

9. Invites the Secretary-General to explore, in close consultation with the Chairperson of the Commission of the African Union, new means of cooperation between the United Nations and the African Union, especially taking into consideration the expanded mandate and the new organs of the African Union;

10. Urges the United Nations to encourage donor countries, in consultation with the African Union, to contribute to adequate funding, training and logistical support for African countries in their efforts to en-
hance their peacekeeping capabilities, with a view to enabling those countries to participate actively in peacekeeping operations within the framework of the Protocol relating to the Establishment of the Peace and Security Council and the framework of the United Nations;

11. Stresses the urgent need for the United Nations and the African Union to develop close cooperation and concrete programmes aimed at addressing the problems posed by the proliferation of small arms and light weapons and anti-personnel mines, within the framework of the relevant declarations and resolutions adopted by the two organizations;

12. Calls upon the United Nations system and the international community to continue to support the New Partnership for Africa's Development and its Peer Review Mechanism as African-owned and led initiatives and programmes of the African Union;

13. Calls upon the United Nations system, the African Union and the international community to intensify their cooperation in the global fight against terrorism through the implementation of the relevant international and regional treaties and protocols and, in particular, the African Plan of Action adopted in Algiers on 14 September 2002, as well as their support for the operation of the African Centre for Studies and Research on Terrorism, inaugurated in Algiers in October 2004;

14. Calls upon the United Nations system to intensify its efforts, in collaboration with the African Union, in combating illegal exploitation of natural resources, particularly in conflict areas, in accordance with relevant resolutions and decisions of the United Nations and the African Union;

15. Encourages the United Nations system to effectively support the efforts of the African Union in urging the international community to duly implement the Doha Development Agenda, including negotiations aimed at substantial improvements in market access to promote sustainable growth in Africa;

16. Invites the United Nations system to enhance its support to African countries in their efforts to implement the Johannesburg Plan of Implementation;

17. Encourages the United Nations to take special measures to address the challenges of poverty eradication through debt cancellation, enhanced official development assistance, increases in flows of foreign direct investments, as well as transfers of technology;

18. Calls upon the United Nations system to accelerate the implementation of the Plan of Action contained in the document entitled "A world fit for children", adopted at the special session of the General Assembly on children, and to provide assistance, as appropriate, to the African Union and its member States in this regard;

19. Calls upon the United Nations system and the African Union to develop a coherent and effective strategy, including through joint programmes and activities, for the promotion and protection of human rights in Africa, within the framework of the implementation of regional and international treaties, resolutions and plans of action adopted by the two organizations;

20. Urges the United Nations system to increase its support for Africa in the implementation of the declaration of the extraordinary summit meeting of the Assembly of Heads of State and Government of the Organization of African Unity on HIV/AIDS, tuberculosis and other related infectious diseases, and the Declaration of Commitment on HIV/AIDS, so as to arrest the spread of these diseases, inter alia, through sound capacity-building in human resources;

21. Invites the United Nations system and the international community to provide adequate support to the African Commission on Human and Peoples' Rights, aimed at finalizing the process leading to the establishment of the African Court on Human and Peoples' Rights;

22. Urges the United Nations system speedily to implement resolution 58/149 of 22 December 2003 on assistance to refugees, returnees and displaced persons in Africa, and effectively to support African countries in their effort to incorporate the problems of refugees into national and regional development plans;

23. Urges the Secretary-General to encourage the United Nations system to work towards ensuring the effective and equitable representation of African men and women at senior and policy levels at the respective headquarters of its organizations and in their regional fields of operation;

24. Requests the United Nations system to cooperate with the African Union and its member States in the implementation of appropriate policies for the promotion of the culture of democracy; good governance; respect for human rights and the rule of law, and the strengthening of democratic institutions which will enhance the popular participation of the peoples of the continent in these issues, in accordance with the purposes and principles of the Constitutive Act of the African Union and the New Partnership for Africa’s Development;

25. Calls upon the United Nations system and invites the Bretton Woods institutions to support, within their respective mandates, and where necessary and possible, the establishment of the institutional structures of the African Union, including the Pan-African Parliament, the Court of Justice, the Economic, Social and Cultural Council and the Financial Institutions;

26. Requests the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution.