Chapter II

Africa

In 2005, Africa showed measured progress towards resolving the many ongoing conflict situations that had beset the continent over the past decade, although there were grim reminders of the need for firmer international action to help resolve fully those conflicts and bring peace and prosperity to the populations concerned. The year witnessed the successful transition from peacekeeping to peacebuilding in several countries in Central Africa and the Great Lakes region, thereby facilitating the complex transition processes in those countries. The United Nations, in partnership with the African Union (AU) and other regional organizations and international actors, supported elections in Burundi in June and July. That paved the way for the election of Pierre Nkurunziza as President by the Joint Parliamentary Congress, whose inauguration marked the formal conclusion of the transitional process to a democratically elected Government. Similarly, in the Central African Republic, the election of General François Bozizé in June as President marked that country’s return to constitutional order. Meanwhile, in the Democratic Republic of the Congo, preparations were under way for national elections scheduled to be held in 2006. In preparation for that event, the country successfully held a referendum on a new Constitution in December. However, key challenges remained, including the daunting task of consolidating peace by bringing the rebel groups into the peace process, concluding the disarmament, demobilization and reintegration programmes for ex-combatants, promoting national reconciliation and creating conditions for economic and social rehabilitation and development.

In West Africa, several countries were on the path towards economic and democratic reforms as the intensity of conflicts lessened. Elections were successfully held in Liberia, which were won by Ellen Johnson-Sirleaf, thereby becoming the President-elect. Her inauguration in early 2006 would also mark a return to constitutional government in Liberia. Progress was also made in restoring State authority and addressing concerns about corruption in the National Transitional Government. In that regard, a governance and economic management assistance programme was developed to help the country regain control of its vital natural resources. The apprehension of former Liberian leader Charles Taylor for prosecution by the Special Court for Sierra Leone was deemed a priority by the Security Council. In Sierra Leone, the United Nations continued to help in laying the foundation for the country to achieve lasting stability, democracy and prosperity. Sierra Leone made further progress in meeting the benchmarks set by the Council to allow the United Nations Mission in Sierra Leone to continue to implement its plan for withdrawing its forces deployed there. At the request of the President of Sierra Leone, and given the continuing instability in the Mano River Basin subregion, the Council established the United Nations Office in Sierra Leone to assist the Government in consolidating peace, building national conflict prevention capacity and preparing for elections in 2007. The Government was able to take control of its diamond-mining sector, repatriate some 272,000 refugees and establish a national human rights commission. Cameroon and Nigeria continued to cooperate in resolving their border issues. Both countries, despite some delays, took action to begin, with international assistance, the planned withdrawal and transfer of authority in the Bakassi Peninsula and to begin the demarcation of the land boundary. However, those developments were overshadowed by the continuing conflict in Côte d’Ivoire, where the parties failed to live up to their commitments. Key benchmarks in the implementation of the 2003 Linas-Marcoussis Agreement were not met, such as the target date for the completion of demobilization and the constitutional deadline for holding presidential elections in October. In those circumstances, the AU and the Economic Community of West African States extended President Gbagbo’s term for one year, appointed a Prime Minister and established bodies to oversee the peace process. In Guinea-Bissau, controversies over the eligibility of the two presidential candidates and the election results later in the year created a highly polarized atmosphere in the country. The Secretary-General revised the mandate of the United Nations Office in Guinea-Bissau to facilitate its new role in the transition process. The United Nations also supported the Government of Togo in addressing the political crisis arising from the sudden death of President YUN05—4th proofs Dec. 24 2007
Gnassingbé Eyadema, in preserving the stability of the country and ensuring a peaceful transition of power consistent with the Constitution and rule of law. Political upheavals and incidents of violence occurred following the elections, amidst allegations of human rights violations. Based on the report of a fact-finding mission dispatched to Togo by the United Nations High Commissioner for Human Rights to investigate those allegations, the Government indicated its willingness to take action to prevent further violence and address the problems leading to such misconduct.

The ongoing conflicts in the Horn of Africa continued to take centre stage, as the United Nations and the international community spared no effort in trying to resolve them. In the Sudan, the 21-year civil war between the north and south of the country ended in January with the signing by the parties of the Comprehensive Peace Agreement, setting out new arrangements for power- and wealth-sharing. The Government of National Unity was established in September and the government of southern Sudan in December. In March, the Security Council set up the United Nations Mission in Sudan to oversee the implementation of the Comprehensive Peace Agreement. Hopes that the new political arrangement would lead to a solution to the crisis in the Darfur region in western Sudan were not realized, as the conflict there continued unabated. The Council tightened its sanctions in the face of the continued refusal of the Government to accept a UN peacekeeping force to assist the AU Force deployed there. The Council sent an assessment mission to Darfur to examine the human rights situation and, based on its recommendations, decided to refer the cases of violation of international human rights and humanitarian law to the International Criminal Court. In Somalia, the fledgling Transitional Federal Government based in Nairobi, Kenya, relocated to Somalia, but was not operational for most of the year due to a dispute over the site of the relocation and the composition of the interim peace support mission sponsored by the Intergovernmental Authority on Development. The border dispute between Eritrea and Ethiopia remained unsettled. The Eritrea-Ethiopia Boundary Commission failed to advance its demarcation activities, stalled since 2003 by Eritrea’s rejection of significant parts of the Commission’s 2002 final and binding delimitation decision and Eritrea’s insistence on its implementation. Eritrea, contrary to the Council’s demand, increased its restrictions on the United Nations Mission in Ethiopia and Eritrea, including the request for certain nationalities to leave the country. The Council agreed to relocate its staff to Ethiopia until it reviewed future plans for the Mission.

The question of the future of the Western Sahara remained unresolved. In an effort to break the deadlock, the Secretary-General appointed a new Personal Envoy to explore with the parties and neighbours how best to achieve a mutually acceptable solution. Morocco continued to refuse to accept a referendum that would include the option of independence, while the Frente Popular para la Liberación de Saguía El-Hamra y de Río de Oro continued to insist that the only way forward was to implement the 2005 peace plan proposed by the Special Envoy or the 1991 settlement plan proposed by the Secretary-General.

Promotion of peace in Africa

In 2005, the United Nations continued ongoing efforts to identify and tackle the root causes of conflict in Africa and to consider ways to promote sustainable peace and development on the continent. In March, the Security Council discussed the African dimension of its work and explored how to improve its effectiveness in addressing related issues. Several Council members highlighted the root causes of conflicts on the continent and the need to combine peace and security efforts with long-term development strategies and to strengthen cooperation with regional and subregional organizations, particularly the African Union (AU), in conflict prevention and management on the continent. In September, the Council adopted a declaration on strengthening the effectiveness of its role in conflict prevention, particularly in Africa. The Secretary-General reported on the implementation of his 1998 recommendations for tackling the root causes of conflict and the promotion of durable peace in Africa, highlighting progress made and remaining challenges. The Office of the Special Adviser on Africa (OSAA), headed by Ibrahim Gambari (Nigeria), continued to serve as the focal point for monitoring the implementation of those recommendations and for enhancing international efforts to promote peace on the continent. In December, the Secretary-General extended the appointment of his Geneva-based Special Adviser on Africa, Mohamed Sahnoun (Algeria), until 31 December 2006.

Working Group. On 5 January [8/2005/4], the Security Council President said that following consultations among Council members, it was agreed that Mr. Joël W. Adechi (Benin) would serve as Chairman of the Ad Hoc Working Group.

Dec. 24 2007
on Conflict Prevention and Resolution in Africa until the end of 2005. However, on 26 June, Mr. Adechi relinquished the office and Mr. Jean-Francis R. Zinsou (Benin) took over as Acting Chairman until 19 October. By a 20 October note [S/2005/660], the Council President announced that Council members had agreed that Mr. Simon Bodéhoussè Idohou (Benin) would serve as Chairman of the Group until the end of 2005. On 21 December [S/2005/814], the President said that Council members had agreed that the Group would continue its work until 31 December 2006.

The Working Group, established in 2002 [YUN 2002, p. 95] to monitor the implementation of Council recommendations relating to its role in conflict prevention and resolution in Africa, reported in December [S/2005/833] on its 2005 activities. It monitored and contributed to the Council’s work on improving ways to better address crises in Africa by promoting a common understanding of related issues. In particular, it forged a larger consensus on the need to develop a culture of proactive prevention of conflict. It acceded particular attention to the importance of peacebuilding in Africa, within the context of discussions on the establishment of a Peacebuilding Commission that might help improve cooperation between the Security Council and the Economic and Social Council in addressing relevant matters.

During the year, the Working Group held two major events: a policy forum (New York, 13 June) on the role of the Security Council in enhancing UN capacity for conflict prevention, which underlined the need to shift from a culture of reaction to crises to that of prevention, both in pre- and post-conflict situations; and a seminar (New York, 15 December) on cooperation between the United Nations and African regional organizations in the field of peace and security [S/2005/828], which outlined concrete steps to support the African Peace and Security Architecture of the African Union and to integrate it fully into the system of collective peace and security established by the UN Charter.

Security Council consideration. The Security Council, on 30 March (meeting 5156), discussed the African dimension of its work on how to improve its effectiveness in addressing African issues and its current agenda and methods of work. To facilitate the deliberations, the Council President prepared a background document [S/2005/188] outlining the objectives and scope of the discussion. Several Council members, pointing to the many conflict situations in Africa and the associated threats to international peace and security, noted that the continent was the main host of UN peacekeeping operations and the focus of much of the Council’s monthly deliberations. Noting that the Council could do more to help address conflicts and related problems in Africa, delegates stressed, among other things, the need to strengthen cooperation with African regional and subregional organizations, particularly the African Union (AU), in preventing and managing conflicts on the continent and the importance of combining peace and security efforts with long-term development strategies. References were made to the importance of institutional dialogue among the principal bodies of the United Nations, particularly the Security Council and the Economic and Social Council, and to the greater involvement of international financial institutions, programmes and agencies. Delegations also referred to the Secretary-General’s recommendations contained in his report entitled “In larger freedom” (see p. 67), especially regarding the establishment of a peacebuilding commission.

The Council President, speaking in his capacity as the representative of Brazil, noted that the Council had held up to 25 meetings in 24 days on Africa during the month of March, which indicated that the Council had not been effective enough in early crisis identification and conflict avoidance. The Council, therefore, needed to evolve from the logic of conflict resolution to that of prevention, and a new dimension—sustainability—needed to be added to its approach to work. He emphasized that the Council was responsible for peace and security that could be sustained over time and not for a year or two or the short period when a peacekeeping operation was deployed. Council efforts to provide security and ensure that fragile peace processes flourished demanded military action and parallel concrete measures to lead people out of the vicious circle of hopelessness and provide for sustainable peace. The Council’s decision-making process would be substantially improved by making use of first-hand information regarding conflicts in Africa, as was provided recently when the Council was briefed by the representative of AU Mediators on the crisis in Côte d’Ivoire. Further improvement could be ensured through more Council missions to countries in conflict, which often provided a unique opportunity for members to engage in the realities of the conflicts with which the Council was seized. Dialogue with international and local non-governmental organizations (NGOs) or civil society representatives should also be initiated. The Council President stressed the need for closer cooperation between peacekeeping and political missions deployed on the continent, increased international support in terms of the requisite resources for facilitating peace processes in Africa and combating impu-
The AIDS pandemic, in particular, which claimed one million lives in the region in 2004 and which had reduced life expectancy there by 20 years, was directly undermining the capacity of communities to produce enough food for themselves. It was currently estimated that some 8.3 million people would need food aid in southern Africa, largely owing to the lack of adequate rainfall between January and March, and for the continent as a whole, one out of every three Africans had been malnourished in the past 10 years. The Executive Director defined hunger as a symptom of failed harvest and of the failure to cope with natural disaster and overcome social inequities, ethnic strife and racial hatred. He noted that the relationship between hunger and conflict was similar to that between hunger and poverty, as hunger was both a cause and effect of poverty and political conflict. In that regard, competition for limited food resources could ignite violence and political conflict. In that regard, competition for limited food resources could ignite violence and instability, as illustrated in a number of conflict situations in Africa, notably in the Sudan (Darfur), Mauritania and Senegal. He described adequate food aid as a critical component for facilitating peace processes in many African countries emerging from conflict, particularly with regard to disarmament, demobilization and reintegration efforts. It was also a tool to support education, help rebuild communities and afford people the means to safeguard their own welfare. The Executive Director described the extent of WFP’s food aid delivery programme in Africa and addressed related concerns and questions raised by Council members. On the question of what was required to cover the total needs of Africa, the Executive Director estimated that an annual sum of $5 billion would be required to look after some 115 million people on the continent who needed help, comprising 95 million children and their mothers. To achieve that, there was a need for a global movement which would adopt the position that it was no longer acceptable for children to go hungry.

In a 19 December briefing to the Council [meeting 5302], the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa said that the Group’s activities in 2005 emphasized ways and means of meeting the challenge of preventing threats to the collective security of the international community and of addressing the related question of conflict prevention and resolution, within the contexts of ongoing UN reform efforts and of implementing the Millennium Development Goals. As several African countries continued to suffer from conflict situations and the continent faced complex difficulties that could cause those emerging from conflict to relapse into violence, the Group felt that it should take an active part in the debate on how to reform the UN and enhance its effectiveness in the area of conflict prevention and resolution in Africa. In doing so, it had contributed to forging a consensus on important issues of relevance to its work and had drawn up a programme of work identifying some general or specific issues raised in the Council in order to highlight the need to develop a comprehensive strategy for conflict prevention and to harmonize the approach to African questions by the United Nations, particularly the Security Council.

SECURITY COUNCIL ACTION


The Security Council,
Decides to adopt the attached declaration on strengthening the effectiveness of the role of the Security Council in conflict prevention, particularly in Africa.

Annex

The Security Council,
Meeting on 14 September 2005 at the level of Heads of State and Government to discuss how to strengthen the effectiveness of the role of the Security Council in the prevention of armed conflict, particularly in Africa,
Reaffirming its commitment to the purposes and principles of the Charter of the United Nations,
Bearing in mind its primary responsibility for the maintenance of international peace and security,
Deeply concerned by the high human cost and material losses caused by armed conflicts, and recognizing that peace, security and development are mutually reinforcing, including in the prevention of armed conflict,
Reaffirming the importance of adhering to the principles of refraining, in international relations, from the threat or the use of force in any manner inconsistent with the purposes of the United Nations, and of peaceful settlement of international disputes,
Reaffirming also the need to adopt a broad strategy of conflict prevention which addresses the root causes of armed conflict and political and social crises in a comprehensive manner, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, gender equality, the rule of law and respect for and protection of human rights,

Recognizing the need to strengthen the important role of the United Nations in the prevention of violent conflicts, and to develop effective partnerships between the Council and regional organizations, in particular the African Union and its subregional organizations, in order to enable early responses to disputes and emerging crises,

Recalling the Constitutive Act of the African Union, the Protocol relating to the Establishment of the Peace and Security Council of the African Union, and the African Union Non-Aggression and Common Defence Pact adopted in Abuja on 31 January 2005, as well as the African Union position on unconstitutional changes of government, as stated in the 1999 Algiers Decision and the 2000 Lomé Declaration,

Recognizing the important supporting roles played by civil society, men and women, in conflict prevention, and the need to take into account all possible contributions from civil society,

1. **Expresses its determination** to enhance the effectiveness of the United Nations in preventing armed conflicts and to monitor closely situations of potential armed conflict;

2. **Affirms its determination** to strengthen United Nations conflict prevention capacities by:
   - (a) Assessing regularly the developments in regions at risk of armed conflict and encouraging the Secretary-General to provide information to the Security Council on such developments pursuant to Article 99 of the Charter of the United Nations;
   - (b) Promoting the follow-up of preventive diplomacy initiatives of the Secretary-General;
   - (c) Supporting regional mediation initiatives in close consultation with regional and subregional organizations concerned;
   - (d) Supporting regional and subregional capacities for early warning to help them in working out appropriate mechanisms to enable prompt action in reaction to early warning indicators;
   - (e) Requesting, as necessary and appropriate, information and assistance from the Economic and Social Council in accordance with Article 65 of the Charter;
   - (f) Taking measures to contribute to combating the illicit trade in arms in all its aspects and the use of mercenaries;
   - (g) Helping to enhance durable institutions conducive to peace, stability and sustainable development;
   - (h) Supporting efforts of African States to build independent and reliable national judicial institutions;

3. **Requests** the Secretary-General:
   - (a) To provide to the Security Council regular reports and analysis of developments in regions of potential armed conflict, particularly in Africa, and, as appropriate, a presentation of ongoing preventive diplomacy initiatives;
   - (b) To assist countries at risk of armed conflict in performing strategic conflict risk assessments, in implementing the measures agreed to by the concerned countries, in enhancing national dispute management capacities, and in addressing the root causes of armed conflict;
   - (c) To promote coordination with regional conflict management machinery in Africa which would provide the Council with additional reliable and timely information to facilitate rapid decision-making;

4. **Stresses** the importance of establishing effective comprehensive strategies of conflict prevention, focused on averting negative developments in the security, economic, social and humanitarian sectors and in the field of governance and human rights in countries which are facing crises, with special attention to:
   - (a) Developing quick-win activities to prevent conflicts arising from competition for economic resources, and to monitoring tension arising from economic and social issues;
   - (b) Encouraging United Nations regional offices to facilitate the implementation of strategies aimed at curbing illicit cross-border activities;
   - (c) Strengthening the capacities of civil society groups, including women’s groups, working to promote a culture of peace, and to mobilize donors to support these efforts;
   - (d) Developing policy measures to foster good governance and the protection of human rights in order to strengthen weakened or collapsed governance mechanisms and to end the culture of impunity;
   - (e) Promoting the fairness and transparency of electoral processes;

5. **Stresses also** the critical importance of a regional approach to conflict prevention, particularly to programmes of disarmament, demobilization and reintegration, as well as the effective and sustainable reintegration of ex-combatants;

6. **Reaffirms its determination** to take action against illegal exploitation of and trafficking in natural resources and high-value commodities in areas where it contributes to the outbreak, escalation or continuation of armed conflict;

7. **Calls for** the strengthening of cooperation and communication between the United Nations and regional or subregional organizations or arrangements, in accordance with Chapter VIII of the Charter, particularly with respect to mediation initiatives;

8. **Encourages** all African States to adhere to the African Union Non-Aggression and Common Defence Pact adopted in Abuja on 31 January 2005, and to sign, where appropriate, subregional pacts on peace, security, democracy, good governance and development, and calls upon the United Nations system and the international community to support the implementation of the pacts;

9. **Encourages** African countries to continue to work closely with the United Nations Secretariat and United Nations regional offices in the implementation of measures aimed at securing peace, security, stability, democracy and sustainable development consistent with the objectives of the New Partnership for Africa’s Development;

10. **Urges** the international community, including the United Nations system and international financial institutions, to support African countries in their efforts to achieve the above objectives, and in this regard welcomes the decisions taken by the summit of the Group of Eight, held in Gleneagles, United King-
dom of Great Britain and Northern Ireland, from 6 to 8 July 2005, for combating poverty in Africa.

11. Urges all African States and the international community to cooperate fully in developing the capacities of African regional and subregional organizations to deploy both civilian and military assets quickly when needed, including the development of the African Union’s African Standby Force, welcomes bilateral and multilateral programmes developed to this end, and expresses its support for the proposal of the Secretary-General to establish a ten-year capacity-building programme for the African Union;

12. Decides to remain seized of the matter.

Office of the Special Adviser on Africa

In 2005, the New York-based Office of the Special Adviser on Africa (OSAA), established by the terms of General Assembly resolutions 57/7 [YUN 2002, p. 90] and 57/300 [YUN 2002, p. 1353], continued efforts to support the Organization’s deliberations on Africa, to enhance international efforts to promote peace and development on the continent through analytical and advocacy-oriented activities and to assist the Secretary-General in related matters. In particular, OSAA continued to serve as the focal point for monitoring the implementation of the recommendations contained in the Secretary-General’s 1998 report [YUN 1998, p. 66] on the causes of conflict and the promotion of durable peace and sustainable development in Africa. In that regard, it played a lead role in preparing the Secretary-General’s 2005 progress report on the implementation of the recommendations in his 1998 report (see below), which highlighted the need for special attention to post-conflict reconstruction and peacebuilding and for increased conflict prevention and resolution efforts. Analytical work undertaken by OSAA within the year on related topics focused on “human security in Africa”—the concept of protecting and empowering people at the individual and community levels—as an essential condition to national and international security; “peace consolidation in Africa: challenges and opportunities”, which reflected on post-conflict civilian and military efforts by external and internal actors to prevent the recurrence of conflict and establish the conditions for durable peace and sustainable development; and “conflict in Africa and the role of disarmament, demobilization and reintegration in post-conflict reconstruction”, which recognized the significance of disarmament and demobilization programmes for the re-establishment of peace, security and stability in post-conflict situations.

OSAA organized an international conference, in cooperation with Sierra Leone (Freetown, 21-25 June), on disarmament, demobilization and reintegration and stability in Africa to share experiences and ideas on improving the design and implementation of those programmes to better sustain peace on the continent, and took initiatives to promote and facilitate UN system support for Africa’s economic recovery within the framework of the New Partnership for Africa’s Development (NEPAD) (see p. 1003).

In December, the General Assembly, in resolution 60/223 (see p. 158), stressed the importance of enabling the Office of the Special Adviser on Africa to better fulfil its role as the focal point within the Secretariat for monitoring the implementation of the recommendations contained in the Secretary-General’s report on the causes of conflict and promotion of durable peace and sustainable development in Africa.

Implementation of Secretary-General’s 1998 recommendations on promotion of peace

Report of Secretary-General. In response to General Assembly resolution 59/253 [YUN 2004, p. 112], the Secretary-General submitted on 1 August a report [A/60/182] on the 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]. Updating developments since his follow-up report on the subject [YUN 2004, p. 111], the report reviewed recent action taken in implementing those recommendations, particularly regarding progress made in peace-making and peacekeeping. It also highlighted remaining challenges and constraints and proposed measures to better consolidate peace on the continent.

The report noted that many recent trends in Africa had been positive, especially the fact that the number of major conflicts on the continent had further dropped from six in 2004 to three in 2005, a tremendous improvement from 1998 when the number stood at 14. Furthermore, most African countries enjoyed relatively stable political conditions and the majority had democratically elected Governments. Other encouraging developments included the establishment of the AU African Peer Review Mechanism, created to support national efforts to enhance political, economic and corporate governance, and the continent’s improved growth rates, although not sufficient to ensure the achievement of the Millennium Development Goal of halving extreme poverty by 2015. The report described initiatives taken and the progress achieved towards enhancing the environment for peace through peace-making and conflict prevention; peacekeeping by the United Nations and regional organizations, as well as UN support to the latter; and a variety of post-conflict peacebuilding and recon-
struction activities, including the promotion of human security and human rights in Africa and support in reestablishing governmental structures and the rule of law. Other activities concerned the promotion of a culture of peace, controlling the illicit traffic in small arms and light weapons, disarmament, demobilization and reintegration and stability, addressing economic and social challenges, and mobilizing resources for the reintegation of refugees and internally displaced persons. Notable progress was also made in terms of enhancing the role of women in conflict prevention and resolution and peace-building, as well as in financial and technical assistance to address the underlying causes of conflict and to support sustainable development.

Despite those advances, the conditions required for sustained peace and development had yet to be consolidated throughout the continent. Civil strife in the Democratic Republic of the Congo and in the Darfur region of the Sudan had resulted in great and horrific loss of life, brutality and human dislocation, and the international community’s response to those crises had been slow and inadequate. The Secretary-General’s High-level Panel on Threats, Challenges and Change (YUN 2004, p. 54) had identified economic and social threats, including poverty, infectious diseases and environmental degradation, and internal conflicts, including civil war, genocide and other large-scale atrocities, as the most harmful threats to durable peace and sustainable development in Africa. As such, continuing efforts and support by the international community, including UN organizations, were necessary to reduce poverty and disease, raise governmental capacity to provide services and security, and sustain peace and development on a long-term basis. It was important for the world community to increase financial, human and technical resources to advance regional, subregional and national security development efforts in Africa, ensuring that an adequate allocation was dedicated to the capacity-building of regional organizations. The AU should establish, as a matter of priority, a continental early warning system to be complemented with enhanced collaboration with the United Nations. To help strengthen the AU’s capacity to take the lead in peacekeeping efforts in Africa, the necessary financial support from the international community was vital. More technical and institutional support to African organizations was needed in order to develop common standards and operating procedures for all peacekeeping operations. In that regard, careful consideration should be given to the establishment of a revolving fund to enable African States to obtain strategic sea and airlift capabilities. The report also highlighted the need for close coordination of all peacekeeping and peace support activities on the continent, with the active involvement of the United Nations.

**GENERAL ASSEMBLY ACTION**

On 23 December [meeting 60], the General Assembly adopted resolution 60/223 [draft: A/60/L.45 & Add.1] without vote [agenda item 66 (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**


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

Having considered the progress report of the Secretary-General on the implementation of the recommendations contained in his report on the causes of conflict and the promotion of durable peace and sustainable development in Africa, Recalling the 2005 World Summit Outcome, through which world leaders reaffirmed their commitment to addressing the special needs of Africa,

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Noting that conflict prevention and the consolidation of peace would benefit from the coordinated, sustained and integrated efforts of the United Nations system and Member States, and regional and subregional organizations, as well as international and regional financial institutions,

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 in the agenda of the United Nations system and for Member States,

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.

Underscoring the need to address the negative implications of the illegal exploitation of natural resources in all its aspects on peace, security and development in Africa, noting, in this context, the relevant recommendations contained in the progress report of the Secretary-General,

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

1. Takes note with appreciation of the progress report of the Secretary-General on the implementation of the recommendations contained in his report on the early warning systems, the conflict prevention, the African Peace Facility, and the need for support from the international community to increase, and sustainable development in Africa, including recent efforts in peacemaking and peacekeeping operations and the need for special attention to post-conflict reconstruction and peacebuilding;

2. Welcomes the continuing progress in the reduction of major conflicts on the continent and the sustained efforts in recent times by the African Union, as well as by African regional and subregional organizations, to mediate and resolve conflicts, and notes that despite the positive trends and advances in Africa, the conditions required for sustained peace and development have yet to be consolidated throughout the continent;

3. Notes with concern the continuation on the continent, of many situations characterized by various forms of civil strife, including those caused by ethnic, religious and economic factors, and the role of illegal exploitation of natural resources in fuelling conflicts in Africa;

4. Supports Africa's goal of achieving a conflict-free Africa by 2010;

5. Welcomes the commitments in the areas of peace and stability made by the Group of Eight countries in the context of the Gleneagles communiqué adopted at their annual summit, held at Gleneagles, United Kingdom of Great Britain and Northern Ireland, from 6 to 8 July 2005, and looks forward to the early implementation of these commitments;

6. Also welcomes the determination of the African Union to strengthen its peacekeeping capacity and to take the lead in peacekeeping in the continent, in accordance with Chapter VIII of the Charter of the United Nations and in close coordination with the United Nations, through the Peace and Security Council, as well as ongoing efforts to develop a continental early warning system, enhanced mediation capacity, including through the establishment of the Panel of the Wise, and an African standby force;

7. Urges African countries, the United Nations system and the international community to increase, coordinate and sustain their efforts aimed at addressing the full range of causes of conflict in Africa by strengthening conflict prevention and resolution and post-conflict peacebuilding measures and activities, including the strengthening of African peacekeeping capacity;

8. Urges the United Nations and other relevant partners to support the establishment of the African Union continental early warning system as a matter of priority;

9. Urges the United Nations and invites other development partners to increase their support for the African Union in order to enhance its capacity and effectiveness in the planning, deployment and management of peacekeeping operations and the provision of advanced training to African peacekeepers, recognizes the important role of the good offices of the Secretary-General in Africa, and encourages the Secretary-General to use mediation as often as possible to help to solve conflicts peacefully, taking due consideration of the work performed by the African Union and other subregional organizations in that regard;

10. Welcomes the use of the African Peace Facility of the European Union, and initiatives by members of the Group of Eight to build African peacekeeping capacity, such as the Global Peace Operations Initiative of the United States of America and the Reinforcement of African Peacekeeping Capacities programme of France, as well as efforts by other international partners to support the implementation of peace initiatives undertaken by the African Union and African subregional organizations;

11. Also welcomes the decision taken in the 2005 World Summit Outcome to establish a Peacebuilding Commission as an intergovernmental advisory body to address the special needs of countries emerging from conflict towards recovery, reintegration and reconstruction and to assist them in laying the foundation for sustainable development, and notes that the Commission should begin its work no later than 31 December 2005;

12. Invites the Commission of the African Union, the secretariat of the New Partnership for Africa's Development and the United Nations Secretariat to coordinate their actions with a view to implementing an African-led agenda, deriving from the strategic policy framework for post-conflict reconstruction being developed by the African Union to tackle post-conflict peacebuilding and reconstruction, addressing the linkages among security, development and humanitarian dimensions of peace in Africa;

13. Calls upon the United Nations system and invites Member States to assist African countries emerging from conflict in their efforts to restore security, provide for the safe return of internally displaced persons and refugees, promote and monitor human rights and increase income-generating activities, especially for youth and demobilized ex-combatants;

14. Stresses the critical importance of a regional approach to conflict prevention, particularly regarding cross-border issues such as disarmament, demobilization and reintegration programmes, prevention of illegal exploitation and trafficking of natural resources and high-value commodities, and emphasizes the potential role of the African Union and subregional organizations in addressing the issue of the illicit trade in small arms and light weapons in all its aspects;

15. Notes with concern the tragic plight of children in conflict situations in Africa, particularly the growing phenomenon of child soldiers, and reiterates the need for post-conflict counselling, rehabilitation and education;
16. Also notes with concern that violence against women continues and often increases, even as armed conflicts draw to an end, and urges further progress in the implementation of policies and guidelines relating to protection of and assistance for women in conflict and post-conflict situations;
17. Calls for the enhancement of the role of women in conflict prevention, conflict resolution, and post-conflict peacebuilding and for expanding gender mainstreaming in the work of United Nations organizations involved in peacemaking, peacekeeping and post-conflict reconstruction;
18. 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;
19. Stresses the importance of enabling the Office of the Special Adviser on Africa to better fulfill its role as the focal point within the Secretariat for monitoring the implementation of the recommendations contained in the report of the Secretary-General referred to in paragraph 18 above;
20. Requests the Secretary-General to submit to the General Assembly at its sixty-first session a progress report on the implementation of the present resolution.

African peacekeeping capacity

The Special Committee on Peacekeeping Operations, at its 2005 substantive session (New York, 31 January–25 February) [A/59/19/Rev.1], continued discussions on the enhancement of African peacekeeping capabilities. Welcoming AU efforts to strengthen its crisis management and progress towards the development of an African standby force, the Special Committee called upon the international community to support those efforts. It advocated, in particular, that the United Nations and key strategic partners should increase support for AU efforts to undertake and manage peacekeeping operations in Africa, and supported the development of a joint action plan to address the systemic constraints identified by African States, including in the areas of common doctrine and training standards, logistical support, funding and institutional capacity. For the effectiveness of such joint action, the Special Committee stressed the importance of enhanced coordination between the United Nations, the AU and subregional organizations and non-African partners, including the European Union (EU) and Group of Eight (G-8) major industrialized countries. It welcomed the Secretary-General’s recommendations for enhancing African peacekeeping capacity, such programmes as staff exchanges and the secondment of UN peacekeeping personnel to help the AU and subregional organizations build a cadre of qualified civilian and military training staff, and for the possibility of UN logistical support to AU peacekeeping missions until the Union developed fully its own capacity. The Special Committee recognized that the United Nations could make available to the AU a small core planning and advisory capacity to facilitate the initial planning and start-up processes of an AU-led peacekeeping mission. Such core capacity could consist of representatives from the Department of Peacekeeping Operations and its field missions, and could be temporarily attached to the AU headquarters.

On 14 September, the Security Council, in resolution 1625(2005) (see p. 155), urged African States and the international community to fully cooperate in developing the capacities of African regional and subregional organizations to deploy both civilian and military assets quickly when needed, including the development of the AU African Standby Force, and welcomed bilateral and multilateral programmes developed towards that end.

Central Africa and Great Lakes region

The United Nations and the wider international community continued in 2005 to assist the States of Central Africa and the Great Lakes region to resolve chronic conflicts and achieve political stability. The United Nations kept in place its peacekeeping missions in the Democratic Republic of the Congo (DRC), Burundi and the Central African Republic in support of the ongoing electoral and peace processes in those countries. As it had done in the previous five years, the Security Council dispatched a mission to assess the overall situation in the region and made recommendations. The United Nations Standing Advisory Committee on Security Questions in Central Africa held its yearly meetings also to assess the geopolitical and security situation in the region. More importantly, the 11 core States of the 2004 International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, in collaboration with AU, made preparations for a second summit Conference in 2006, intended to adopt a regional security, stability and development pact.

Burundi, which had been moving its transitional process progressively forward, approved its Constitution by referendum in February, and, for the first time since gaining independence in 1962, successfully held national elections in June and July. In August, a Joint Parliamentary Congress elected Pierre Nkurunziza as President,
whose inauguration in the same month marked the formal conclusion of the transitional process to a democratically elected government. Similarly, the Central African Republic, in an electoral process deemed free, reliable, fair and transparent by national and international observers, voted for and confirmed General François Bozizé as President and Head of State in June, marking the country’s return to constitutional order since the coup d’état in 2003. The national electoral process was completed in September, when elections at the commune level were held.

In the DRC, where preparations for national elections were under way, organizational problems resulted in delays, necessitating the Government of National Unity and Transition to extend the transition period, as allowed under the terms of the 2002 Global and All-Inclusive Agreement (elements of the former Rwandan regime, including former soldiers of the Forces Armées Rwandaises, also operating in the eastern DRC, made known its intention to disarm unconditionally and return to Rwanda. Those statements remained to be put into action.

The United Nations Peace-building Support Office in the Central African Republic (BONUCA) continued to support the Republic’s efforts to return to stability and achieve reconciliation and reconstruction, following the 2003 coup d’état. With the agreement of the Security Council, the Secretary-General extended the mandate of BONUCA for an additional year, until 31 December 2006, to help the country build on the success of its recent elections.

In December, the General Assembly requested the Secretary-General to establish an outreach programme entitled “The Rwanda Genocide and the United Nations”, as well as measures to mobilize civil society for Rwanda genocide victim remembrance and education.

**International Conference on Great Lakes Region**

**Preparations for second summit**

On 15 November [S/2005/793], the Secretary-General noted that, since the first summit of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region [YUN 2004, p. 116], the 11 core countries of the Conference (Angola, Burundi, Central African Republic, Congo, Democratic Republic of the Congo (DRC), Kenya, Rwanda, Sudan, the United Republic of Tanzania, Uganda, Zambia) had worked to translate the Declaration adopted by the Conference [ibid.] into common programmes of action and protocols under the four Conference themes of peace and security, governance and democracy, economic development and regional integration, and social and humanitarian issues. A number of those were selected as priorities, which, together with the Declaration, were to form a stability and development pact for the Great Lakes region to be proposed for consideration by the upcoming second summit of the Conference. The extent of implementation of the proposed pact as a regional peacebuilding initiative, when adopted, would be the real measure of the success of the Conference.

The Regional Inter-Ministerial Committee, set up by the Conference [ibid.] to prepare draft protocols and programmes of action, met twice during the year. At its first meeting (Kigali, Rwanda, 15-18 February), the Committee approved its structure and functioning, as well as that of the Regional Preparatory Committee; the
terms of reference of the draft protocols; programmes of action and projects; and the plan of activities for the summit. At its second meeting (Lusaka, Zambia, 22-23 July), it reviewed and prioritized the draft programmes of action and projects and discussed follow-up to the second summit.

The Regional Preparatory Committee met twice (Kigali, 14-16 February; Lusaka, 18-21 July) to prepare for the Inter-Ministerial Committee meetings. Thereafter, it held an extraordinary meeting (Luanda, Angola, 26-30 September) to review the draft documents for submission to a third and final Inter-Ministerial Committee meeting, rescheduled for 2006, following postponement of the second summit until after 30 June 2006, when the political transition in the DRC was expected to conclude.

Special Representative for Great Lakes Region

On 15 November [S/2005/706], the Secretary-General notified the Security Council that the mandate of his Special Representative for the Great Lakes Region, Ibrahima Fall, would expire on 31 December. In view of the Special Representative’s involvement with the first (2004) summit of the International Conference on the Great Lakes Region [YUN 2004, p. 116] and the ongoing preparations for the second (2006) summit, the Secretary-General affirmed his intention to extend the mandate until 31 December 2006.

On 15 December [S/2005/794], the Council requested further clarification of the intended extension of the mandate, detailing the expected activities of the Special Representative and his office to support the Conference process, based on the assessment of his role and performance over the previous eight years. By a further exchange of letters between the Secretary-General and the Council on 25 [S/2005/849] and 30 December [S/2005/860], the Special Representative’s mandate was extended until 31 March 2006, although the information requested was not available by the end of 2005.

Security Council mission to Central Africa

On 27 October [S/2005/682], the Security Council informed the Secretary-General that it was sending a mission to Central Africa from 4 to 10 November, headed by Jean-Marc de La Sablière (France). The mission would visit Burundi, the DRC, Rwanda, Uganda and the United Republic of Tanzania. Under its general terms of reference, the mission would underscore the importance of the resources committed by the United Nations to peacekeeping in the DRC and Burundi and the need for an unequivocal commitment on the part of national and regional actors; stress the importance of achieving sustainable peace, security and stability for all countries in the region; and encourage the peaceful resolution of differences through dialogue and the establishment of confidence-building measures and mechanisms.

The mission would welcome investigative and preventive action by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Operation in Burundi (UNOB) in cases of alleged sexual exploitation and abuse by UN personnel, and would reaffirm the need for troop-contributing States to take the necessary disciplinary and judicial measures, and to attend fully to the victims. It would examine also the question of the use of children in armed conflict. Specific terms of reference were also outlined for each of the countries to be visited.

Mission report. On 14 November [S/2005/716], the mission reported on its visit, the sixth in as many years. In the DRC, the mission observed the progress made in the peace and transition process. President Joseph Kabila and the four Vice-Presidents stressed that their relationship had improved since the Government of National Unity and Transition was installed. The mission insisted on strict adherence to the electoral timeline for the political transition, which should culminate in the holding of free elections by 30 June 2006, and stressed the need to create socioeconomic and political conditions to ensure stability in the post-transitional period. It insisted that progress in security sector reform was critical to the immediate and long-term stability of the DRC, particularly with regard to the acceleration of operations to disarm and repatriate foreign armed groups on its territory, and the resumption of the demobilization, training and integration of former combatants into a restructured DRC army.

In Burundi, the mission noted the challenges facing the new Government in the post-transitional period in its efforts to consolidate peace under its key priorities of reconstruction, development, good governance, human rights and the return of refugees from neighbouring countries. Regarding Burundi’s suggestion that the UN peacekeeping component could be gradually reduced because security had returned to a major part of the country, the mission cautioned against an untimely disengagement of peacekeepers, as that had led, in similar situations, to a weakening of the overall security and political situation. In that regard, the mission expressed concern over the increase in insecurity and attacks on civilians, reportedly by the rebel Forces nationales de libération (Palipehutu-FNL), which
repeated Government efforts had failed to bring into the peace process. Despite the difficulties it faced in reconciling its commitment to downsize public administration with the constitutional requirement to include Burundi’s 36 political parties, the Government promised to make every effort to ensure their representation in the administration.

In meetings with President Yoweri Kaguta Museveni of Uganda and President Paul Kagame of Rwanda, the mission reiterated the Council’s concern regarding the continued presence of foreign armed groups in eastern DRC, and underlined the importance of supporting and reinforcing the integration of the Forces armées de la République démocratique du Congo (FARDC) to enable it to tackle those armed groups robustly, with MONUC support. The Presidents agreed that, while successful elections in the DRC would contribute to the stability of the country and of the region as a whole, the issue of the presence of Ugandan and Rwandan armed groups in the eastern DRC, had to be resolved as they posed a threat not only to the DRC but also to Uganda and Rwanda. President Museveni reiterated the call made by the Tripartite Plus Joint Commission that the Forces démocratiques pour la libération du Rwanda (FDLR) be forcibly disarmed; President Kagame insisted that MONUC conduct operations against FDLR in the provinces of North Kivu and South Kivu as robustly as against Congolese militias in the district of Ituri.

The mission highlighted its concerns over the humanitarian situation in northern Uganda, the recent attacks on humanitarian workers and the security challenges faced by aid agencies. It encouraged Uganda to expel the arrest of five leaders of the defeated Lord’s Resistance Army (LRA), for whom the International Criminal Court had issued arrest warrants, while finding a peaceful solution for other LRA elements, some of whom remained active and contributed to insecurity in northern Uganda. The mission urged Uganda to extend amnesty to rank-and-file LRA combatants and to help them reintegrate into their communities. It emphasized that the use of force in the territory of a foreign State without the latter’s consent would be a violation of the UN Charter.

The mission expressed concern over reports of continuing violations of the arms embargo imposed by Security Council resolution 1493(2003) [YUN 2003, p. 130] and urged Uganda and Rwanda to improve their cooperation with the Group of Experts established under resolution 1493(2004) [YUN 2004, p. 137] to monitor arms flows into the region. It also urged them to reinforce measures to prevent and deny the entry of arms into the eastern part of the DRC through their respective territories. Rwanda confirmed that it had established an inter-ministerial committee to monitor implementation of the embargo and to strengthen cooperation with the Group of Experts. The mission encouraged the Group to continue its investigations and called upon all States concerned to cooperate fully with it.

The United Republic of Tanzania shared the mission’s concerns regarding the security situation in Burundi, including the risks that could arise from an untimely withdrawal of ONUB. In that regard, President Benjamin Mkapa and his Foreign Minister called for additional support for the integration of Burundi’s army. The President reiterated Tanzania’s commitment to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in support of the voluntary return of Burundian and Congolese refugees in the United Republic of Tanzania to their respective countries.

The mission made a series of recommendations for consideration by the Council that were specific to each of the countries visited and for regional cooperation.

Uganda, on 7 December [S/2005/770], conveyed its observations on a number of the mission’s recommendations as they related to Uganda, as well as a detailed account of the exchange of views between the head of the mission and Uganda’s President and of their joint press conference.

Security Council consideration. The Council, on 15 November [meeting 5305], heard a briefing by the head of the mission, who said that the mission found in the DRC commendable progress in the preparations for the referendum on the constitution and for the legislative and presidential elections, for which 20 million voters had been registered. Several problems remained, however. First, the election preparations had been delayed, making the electoral timetable tight. The mission emphasized the imperative of opening the elections to everyone, adhering to the election date of 30 June 2006, and promulgating the electoral law the day after the adoption of the constitution on 18 December 2005. Second, despite progress in the demobilization of ex-combatants and restructuring of the army and police, the armed forces integration programme was interrupted after the first phase, and only six of the nine brigades planned had been integrated. The DRC was asked to redouble its efforts in starting the second integration phase and to ensure that the newly integrated brigades received the necessary equipment and were paid regularly and adequately. Third, the mission reiterated that the priority of re-establishing State authority had to be carried out with respect for the rule of law. Additional
problems concerned the armed groups in the eastern part of the DRC, regarding which the mission stressed the need for every country concerned to respect the sovereignty of their neighbours, ensure that those groups received no cross-border support, respect the arms embargo, and no longer tolerate the illegal exploitation of natural resources that financed arms trafficking.

In Burundi, where a post-transition Government was already in place, the issue of disengaging the military component of ONUB was raised. The United Nations missions and Burundi might wish to consider a plan for a phased disengagement and transition from peacekeeping to peace-building. The mission felt it advisable for Burundi to establish a dialogue with the international community, the best channel for which would be the proposed Peacebuilding Commission (see p. 93). As to Palipehutu-FNL, the remaining active rebel group in the country, the Government remained open to resuming negotiations to bring the group into the peace process. The briefing recalled the previously expressed readiness of the Council (in its resolution 1577 (2004) [YUN 2004, p. 155]) to consider appropriate measures against individuals who threatened Burundi’s peace and national reconciliation process, an option that the mission reminded Burundi was still available.

The head of the mission introduced the mission’s report (see above) for consideration by the Council on 6 December [meeting 5315], which took note of the report and endorsed its recommendations on 21 December [meeting 5340] in resolution 1649(2005) (see p. 187).

Standing Advisory Committee on Security Questions

The United Nations Standing Advisory Committee on Security Questions in Central Africa held its twenty-second and twenty-third ministerial meetings in Brazzaville, Congo, on 4-18 March [A/59/769-S/2005/212] and on 29 August–2 September [A/60/933-S/2005/616], with all Committee members (Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, DRC, Equatorial Guinea, Gabon, Rwanda, Sao Tome and Principe) participating. At both meetings, the Committee reviewed the geopolitical and security situation in Burundi, the Central African Republic, the DRC and Chad, as well as the situation between the DRC and Rwanda. The Committee noted considerable improvement in the security situation in Central Africa as a whole and in the countries reviewed in particular. Having led to free and democratic elections, the peace processes under way in most of those countries remained fragile, however, and the countries concerned and others of the subregion, together with the international community, needed to redouble their efforts to consolidate peace. In that regard, the Committee appealed to the subregion to become more closely involved in the settlement of conflicts and to support the ongoing peace processes.

The Committee condemned all forms of violence committed against women and children in conflict or in post-conflict situations, and recommended strengthening the mechanisms to punish those responsible. It exchanged experiences in the implementation of disarmament, demobilization and reintegration programmes for ex-combatants, and urgently appealed for funds to enable timely implementation. It adopted two declarations: one on mercenary activity in Central Africa that had become a serious obstacle to subregional peace, stability and development; and the other on the role of the Economic Community of Central African States in the implementation of the 2004 Declaration on Peace, Security, Democracy and Development in the Great Lakes Region [YUN 2004, p. 116]. The Committee reviewed Central Africa’s contribution to the second biennial meeting of States to consider the implementation of the Programme of Action adopted by the 2001 UN Conference on small arms [YUN 2001, p. 499] and noted the activities of the Subregional Centre for Human Rights and Democracy in Central Africa.

The Committee, concerned at the continued tensions and incidents along the DRC-Rwanda border, particularly the presence of Rwandan armed groups in the eastern regions of the DRC, urged the AU Peace and Security Council to implement its 10 January decision to provide a military force to assist the DRC in disarming the anti-Rwandan rebel group ex-FAR/Interahamwe and other hostile forces operating in the DRC. It welcomed the bilateral and tripartite measures agreed upon at the high-level tripartite meeting among Cameroon, the Central African Republic and Chad (Yaoundé, Cameroon, 25-26 August) on the long-term prevention and/or containment of insecurity along their common borders caused by roadblocks set up by armed gangs and others.

Democratic Republic of the Congo

In 2005, the peace process in the DRC continued to move forward in the context of the 2002 Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo [YUN 2002, p. 125]. The Agreement provided for a two-year transitional period, which started from the formation of a transitional Government, inaugurated on 30 June 2003 as the Government of National Unity and Transition (Transitional Government) [YUN 2003, p. 129], and ended on 30 June 2005. Owing to problems related to the organization of the elections, the National Assembly and Senate jointly decided on 17 June to extend the transitional period for six months, as from 1 July. The period would be renewable once and would expire on the inauguration of the President following national elections, which were to be completed in 2006. The transition and election preparations were supported by the International Committee in Support of the Transition, comprising the five permanent Security Council members, plus Belgium and Canada; four African countries (Angola, Gabon, South Africa and Zambia); the EU and the AU; and MONUC (see below).

As of 17 December, over 25 million citizens of an estimated electorate of 22 to 28 million had registered to vote. On 18 and 19 December, a referendum on the DRC Constitution was held successfully.

By resolution 1596(2005), the Council expanded the scope of the arms embargo it had imposed by resolution 1499(2003) [YUN 2003, p. 130] on armed groups operating in the DRC. By resolution 1616(2005), it renewed the provisions of the embargo until 31 July 2006 and requested the Secretary-General to re-establish the Group of Experts monitoring the flows of arms in the region for a period expiring on 31 January 2006.

MONUC

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), established by Security Council resolution 1279 (1999) [YUN 1999, p. 92], was headed by William Lacy Swing (United States), Special Representative of the Secretary-General for the Democratic Republic of the Congo. MONUC continued in 2005 to discharge its mandate, as enhanced by Council resolution 1565(2004) [YUN 2004, p. 129], to provide operational and security support to guarantee the advancement of the transitional processes in the DRC towards elections and the establishment of a democratically elected Government. Its mandate was extended by the Council twice during the year, the first time until 1 October 2005 and the second until 30 September 2006. MONUC was headquartered in the DRC capital, Kinshasa.

Following its consideration of the Secretary-General’s special report on the election process, the Council, by resolution 1621(2005) (see p. 181), increased the strength of MONUC by 841 personnel (five formed police units of 125 officers each plus 216 additional police) and authorized MONUC, in close coordination with UNDP, to provide additional support to the Independent Electoral Commission (IEC) for the transport of electoral materials within the DRC. By resolution 1635(2005) (see p. 186), the Council further increased MONUC’s military strength by 300 to provide additional security within its area of operations during the electoral period. By its resolution 60/121, the General Assembly authorized the full deployment to MONUC of 507 additional personnel in support of the DRC elections.

Appointment. By an exchange of letters between the Secretary-General and the Security Council on 4 [S/2005/151] and 9 March [S/2005/152], Lieutenant General Babacar Gaye (Senegal) was appointed Force Commander of MONUC, replacing Major General Somaila Isliya (Nigeria), who completed his assignment on 28 February.

Sexual exploitation and abuse

In a 9 February letter to the Security Council [S/2005/79], the Secretary-General discussed the UN response to allegations of sexual exploitation and misconduct by MONUC civilian and military personnel. He reiterated that the United Nations could not tolerate even one instance of a UN peacekeeper victimizing the most vulnerable. Such behaviour did great harm to the distinguished tradition of UN peacekeepers, to troop-contributing Member States and to the reputation and honour of fellow peacekeepers. Most importantly, it violated the fundamental “duty of care” that peacekeepers owed to the very people they were sent to protect and serve. On the basis of the report of Prince Zeid Ra’ad Zeid Al-Hussein (Jordan), the Secretary-General’s Adviser on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel, the United Nations was developing ways for troop-contributing countries to assist in eliminating sexual exploitation and abuse.

In January, the Office of Internal Oversight Services (OIOS) released the report on its investigation into alleged sexual misconduct by peacekeepers serving in Bunia (see p. 118). It identified 72 allegations, of which 20 warranted follow-up action; of those 20, seven individual cases (all military personnel) were fully substantiated. As most of those individuals had been rotated out of
the Mission or repatriated, their cases were forwarded to the relevant Member States for action, with a request for information on follow-up measures taken. Additional investigations, carried out by MONUC into allegations against six other military personnel were completed; of those, four were repatriated, one was exonerated and one rotated home before the investigation was concluded. A joint team from the UN Office of Human Resources Management and DPKO investigated another five individuals, all civilians: one was in custody and awaiting trial in his home country, one was reassigned, one was cleared, one was disciplined and one was still under investigation. Also in January, DPKO sent a multidisciplinary team, headed by its Assistant Secretary-General to MONUC, to conduct further investigations and assist MONUC in developing an effective and sustainable response to the issue. The team completed nine investigations, was still investigating 10 others and had closed several files. MONUC had taken a number of measures to eliminate sexual exploitation and abuse: it had adopted a strict non-fraternization policy, imposed a curfew for military contingents, conducted comprehensive training and awareness-raising for all Mission personnel, and put forward proposals for improving contingent welfare facilities.

The Secretary-General appealed to the Council to assist in strengthening MONUC’s capacity to conduct self-monitoring and enforcement programmes.

In his March report on MONUC (see p. 172), the Secretary-General said that the Headquarters-based task force on sexual exploitation and abuse had clarified existing policies and provided new guidelines to MONUC and other peacekeeping operations. The multidisciplinary team deployed to MONUC (see above) was increased in February by five highly skilled investigators and would be further strengthened to meet medium-term investigation requirements. The team was working closely with civilian and military colleagues in MONUC to consolidate the investigation process, decrease duplication, provide specialized techniques specific to the prevention of sexual exploitation and abuse, and improve the review process on which disciplinary recommendations were based. It established a sexual exploitation and abuse focal point network with all UN agencies, funds and programmes in the DRC. The MONUC code of conduct was revised to define and clarify behaviour constituting sexual exploitation and abuse.

By its resolution 1592(2005) (see p. 174), the Council urged troop-contributing countries to carefully review the report of the Secretary-General’s Special Adviser entitled “A comprehensive strategy to eliminate future sexual exploitation and abuse in UN peacekeeping operations” (see p. 180), and to take appropriate action to prevent sexual exploitation and abuse by their personnel in the Mission, including pre-deployment awareness-training, and to take disciplinary and other action to ensure full accountability in cases of such misconduct.

In his August report (see p. 179), the Secretary-General stated that the MONUC Office for Addressing Sexual Exploitation and Abuse focal point network with all UN agencies and MONUC, in compliance with the Secretary-General’s bulletin [ST/SGB/2005/13] on special measures for protection from sexual exploitation and abuse; and the transmission of complaints received by one agency about incidents involving staff of another agency. MONUC established a Sexual Violence Working Group, which was developing training and advocacy packages for the Congolese military, police and judiciary, and reviewing existing relevant legislation. MONUC also established a database to facilitate the provision of assistance to individual victims.

In his December report (see p. 189), the Secretary-General stated that, in accordance with General Assembly resolution 59/287 (see p. 174), the MONUC Office for Addressing Sexual Exploitation and Abuse formally handed over all pending cases and new allegations to OIOS on 4 October. From 25 December 2004 to mid-October 2005, 111 investigations into allegations of sexual exploitation and abuse, involving 167 MONUC personnel, were completed; allegations were substantiated against 78 (over 46 per cent of the alleged perpetrators), representing 0.4 per cent of all MONUC personnel in all levels and categories. On 8 November, the MONUC Conduct and Disci-
plinie Team was established to ensure the prevention of all types of personnel misconduct, with emphasis on sexual exploitation and abuse, and compliance with and enforcement of UN standards of conduct among all categories of Mission personnel. By 16 November, the Team had held 60 briefings for over 1,500 MONUC personnel.

**Attack on peacekeepers**

The Secretary-General, in describing the security situation in the district of Ituri, north-east of the DRC, as contained in his March report on MONUC, stated that, on 22 February, the Union des patriotes congolais (UPC) attacked MONUC peacekeepers in Nizi, wounding two Pakistani soldiers. On 25 February, nine Bangladeshi peacekeepers protecting a camp of internally displaced persons were killed near the town of Kafé, 80 kilometres north of Bunia, on Lake Albert. The attack might have been in response to the increasing pressure by MONUC on militia groups over the previous weeks, notably the 24 February arrest of numerous militia members of the Front des nationalistes et intégrationistes (FNI) in their Datule stronghold. It might also have been designed to discourage the International Committee in Support of the Transition (CIAT) [YUN 2004, p. 119], which was in Bunia as part of efforts to ensure the extension of State administration to the area.

In response, MONUC and CIAT asked the Transitional Government to arrest the FNI leaders, in particular its President, Floribert Njambu, its former military leader, Goda Sukpa, and its current military commander, Etienne Lona; the head of the UPC/L faction, Thomas Lubanga, and its military commander, Bosco Ntaganda; and the head of the Front de résistance patriotique de l’Ituri (FRPI), Germain Katanga. Etienne Lona, who surrendered to MONUC, was arrested by the Government in Bunia on 1 March. MONUC also asked that the Transitional Government send clear orders to the armed groups in Ituri that they had to join the disarmament process immediately.

Also on 1 March, MONUC successfully mounted a large-scale cordon-and-search operation with attack-helicopter support to dismantle an FNI headquarters in Loga (north-east of Bunia), in Ituri. In the exchange of fire, between 50 and 60 FNI militia were killed and two Pakistani MONUC soldiers were injured.

**SECURITY COUNCIL ACTION (March)**

On 2 March [meeting 5133], following consultations among Security Council members, the President made statement S/PRST/2005/10 on behalf of the Council:

The Security Council condemns with the utmost firmness the attack against a patrol of the United Nations Mission in the Democratic Republic of the Congo by the Front des Nationalistes et Intégrationnistes in Ituri, which occurred on 23 February near the town of Kafé, resulting in the murder of nine Bangladeshi peacekeepers. It offers its condolences to the victims’ families and to the authorities of Bangladesh. It commends the dedication of the Mission’s personnel, who operate in particularly hazardous conditions. It welcomes the action of the Mission against the militia groups responsible for these killings and the Mission’s continued robust action in pursuit of its mandate.

The Council considers this aggression, by its intentional and well-planned nature, to be an unacceptable outrage. It calls upon the Government of National Unity and Transition immediately to take all necessary measures to bring to justice the perpetrators, sponsors and authors of this attack, and welcomes the first arrests undertaken by the Government. It endorses in this regard the serious concern expressed in Kinshasa on 28 February 2005 by the International Committee for Support to the Transition over the illegal and criminal activities of militia in Ituri and their military and political leaders, in particular Floribert Njambu, Goda Sukpa, Etienne Lona, Thomas Lubanga, Bosco Tanganana and Germain Katanga. It expresses its concern that the integration of Ituri militia officers into the Congolese armed forces has failed to lead to the disarmament of their troops which should proceed without delay.

The Council calls upon the Government of National Unity and Transition to strengthen its support for the implementation of the disarmament and community reintegration programme for Ituri militia. It considers those who try to impede this programme as a threat to the political process in the Democratic Republic of the Congo. It also calls upon the Government of National Unity and Transition urgently to deploy additional integrated troops and police units to Ituri, and invites donors to provide support for this vital undertaking.

The Council reminds all States in the region of their responsibility to ensure compliance for the arms embargo imposed by resolution 1493(2003) and is considering additional measures it might take to reinforce implementation and monitoring of the embargo. It further urges those States to ensure that their territories cannot be used by any Congolese armed group, notably the Ituri militia, whose activities perpetuate a climate of insecurity that affects the whole region.

The Council reaffirms its full support for the Mission, and urges it to continue to fulfil its mandate with determination. It notes the importance for the Mission to continue to strengthen its action in Ituri and in North and South Kivu.

Responding to the foregoing presidential statement, the DRC informed the Security Council on 21 March [S/2005/190] that, on that date, Thomas Lubanga was detained and immediately transferred to Makala prison; Floribert Njambu,
Goda Sudka and Germain Katanga were already under arrest; and Etienne Lona had reportedly surrendered to MONUC. Bosco Ntaganda remained at large and continued to cause trouble in an area in Ituri not under the control of the Congolese authorities. The DRC requested all possible assistance from the Council and MONUC for his capture.

**Financing**

In April, during its resumed fifty-ninth session, the General Assembly considered the Secretary-General’s revised budget for MONUC for the period 1 July 2004 to 30 June 2005 [A/59/707], amounting to $962,012,400 against the initial appropriation of $709,125,200, together with the related report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/59/735].

**GENERAL ASSEMBLY ACTION (April, June, December)**

On 13 April [meeting 91], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/59/771], adopted resolution 59/285A without vote [agenda item 127].

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

A

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo and the related report 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 1565(2004) of 1 October 2004, by which the Council authorized an increase in the Mission’s strength by 5,900 personnel, including up to 341 civilian police,

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 58/250 B of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 47/48(IV) of 27 June 1993, 50(I)(XXVIII) of 11 December 1993 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 financial resources necessary 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 Organization Mission in the Democratic Republic of the Congo as at 15 March 2005, including the contributions outstanding in the amount of 309.4 million United States dollars, representing some 13 per cent of the total assessed contributions, notes with concern that only forty-five Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. Expresses its appreciation 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 regarding the reimbursement of troop contributors, which 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, 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 include in the proposed budget for the Mission for the period from 1 July 2005 to 30 June 2006 the resources necessary to ensure the integration of gender perspectives into the entire electoral process;

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

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;

**Revised 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 Organization Mission in the Democratic Republic of the Congo the additional amount of 245,642,900 dollars for the maintenance of the Mission for the period from 1 October 2004 to 30 June 2005, inclusive of the amount of 49,950,000 dollars previously authorized by the Advisory Committee on Administr-
Financing of the United Nations Organization Mission in the Democratic Republic of the Congo

B

The General Assembly,

Having considered the report of the Secretary-General 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,

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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/285 A of 13 April 2005;

2. Takes note of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 15 April 2005, including the contributions outstanding in the amount of 52.7 million United States dollars, representing some 2 per cent of the total assessed contributions, notes with concern that only fifty-two 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;

3. 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;

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

5. 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;

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;

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

The General Assembly,

Having considered the report of the Secretary-General 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 1279(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 1592(2005) of 30 March 2005,

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 59/285 A of 13 April 2005,

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, 5101(XXVIII) of 11 December 1973 and 55/245 of 25 December 2000,

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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/285 A of 13 April 2005;

2. Takes note of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 15 April 2005, including the contributions outstanding in the amount of 52.7 million United States dollars, representing some 2 per cent of the total assessed contributions, notes with concern that only fifty-two 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;

3. 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;

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

5. 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;

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 ensure the full implementation of the relevant provisions of its resolution 59/296;

11. Emphasizes that the Special Representative of the Secretary-General should be responsible for the implementation of the policies of the Organization regarding personnel conduct, and requests the Secretary-General to ensure that the Special Representative remains fully engaged in all such matters;

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

13. 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;

Budget estimates for the period from 1 July to 31 October 2005

14. Authorizes the Secretary-General to enter into commitments in an amount not exceeding $383,187,800 dollars for the maintenance of the Mission for the period from 1 July to 31 October 2005;

Financing of the commitment authority

15. Decides to apportion among Member States the amount of $265,322,580 dollars for the period from 1 July to 1 October 2005, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005, as set out in its resolution 58/1 B of 23 December 2003;

16. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of $1,351,700 dollars, representing the estimated staff assessment income approved for the Mission for the period from 2 to 31 October 2005;

17. Decides further to apportion among Member States the amount of $20,220,700 dollars, for the period from 1 July 2005 to 30 June 2006, comprising $16,534,400 dollars for the support account for peacekeeping operations and $3,686,300 dollars for the United Nations Logistics Base;

Financing of the appropriation

18. Decides also to appropriate to the Special Account for the United Nations Organization Mission in the Democratic Republic of the Congo the amount of $20,220,700 dollars for the period from 1 July 2005 to 30 June 2006, comprising $16,534,400 dollars for the support account for peacekeeping operations and $3,686,300 dollars for the United Nations Logistics Base;

Estimates for the support account for peacekeeping operations and the United Nations Logistics Base for the period from 1 July 2005 to 30 June 2006

19. Decides to appropriate to the Special Account for the United Nations Organization Mission in the Democratic Republic of the Congo the amount of $20,220,700 dollars for the period from 1 July 2005 to 30 June 2006, comprising $16,534,400 dollars for the support account for peacekeeping operations and $3,686,300 dollars for the United Nations Logistics Base;

In December, at its sixty-sixth session, the Assembly considered the Secretary-General’s financial performance report on the MONUC budget for the period 1 July 2003 to 30 June 2004 [A/59/657], showing total expenditures of $636,485,400, against an appropriation of $641,038,300; his proposed MONUC budget for 1 July 2005 to 30 June 2006 [A/60/389], amounting to $1,147,530,000, which incorporated the $383,187,800 authorized by Assembly resolution 59/285 B above; and the related report of ACABQ [A/60/356].

On 8 December [meeting 62], the Assembly, on the recommendation of the Fifth Committee [A/60/574], adopted resolution 60/121 A without vote [agenda item 140].
The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo and the related report 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 1635(2005) of 28 October 2005,

Recalling also its resolution 54/260 A of 7 April 2000 on the financing of the Mission, and its subsequent reiteration of this request by means of resolution 59/295 B of 22 June 2005,

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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 31 October 2005, including the contributions outstanding in the amount of 220.9 million United States dollars, representing some 7.8 per cent of the total assessed contributions, notes with concern that only forty 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;

3. 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;

4. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the critical role of the Mission, including 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 1635(2005) of 28 October 2005,

Recalling also its resolution 54/260 A of 7 April 2000 on the financing of the Mission, and its subsequent reiteration of this request by means of resolution 59/295 B of 22 June 2005,

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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 31 October 2005, including the contributions outstanding in the amount of 220.9 million United States dollars, representing some 7.8 per cent of the total assessed contributions, notes with concern that only forty 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;

3. 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;

4. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the critical role of the Mission, including 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 1635(2005) of 28 October 2005,

Recalling also its resolution 54/260 A of 7 April 2000 on the financing of the Mission, and its subsequent reiteration of this request by means of resolution 59/295 B of 22 June 2005,

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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 31 October 2005, including the contributions outstanding in the amount of 220.9 million United States dollars, representing some 7.8 per cent of the total assessed contributions, notes with concern that only forty 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;

3. 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;

4. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the critical role of the Mission, including 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 1635(2005) of 28 October 2005,

Recalling also its resolution 54/260 A of 7 April 2000 on the financing of the Mission, and its subsequent reiteration of this request by means of resolution 59/295 B of 22 June 2005,

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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Organization Mission in the Democratic Republic of the Congo as at 31 October 2005, including the contributions outstanding in the amount of 220.9 million United States dollars, representing some 7.8 per cent of the total assessed contributions, notes with concern that only forty 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;

3. 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;

4. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the critical role of the Mission, including 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 1635(2005) of 28 October 2005,
the elections while making best use of existing staffing resources, bearing in mind the need to ensure that the deployment schedule responds to developments on the ground; 17. Authorizes the Secretary-General to utilize until 30 June 2006 general temporary assistance for the functions provided by the 395 individual contractors, and requests the Secretary-General to fully justify any proposed conversion of these 395 individual contractors in the context of the results of the comprehensive review to be included in the proposed budget for 2006/07; 18. Requests the Secretary-General to ensure the full implementation of the relevant provisions of its resolution 58/256; 19. Also requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy; 20. Further requests the Secretary-General to ensure that the Mission effectively utilizes the available rail and inland waterway transport modes where they are more reliable and cost-effective than air transportation and safe to use; 21. 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; 22. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2003 to 30 June 2004; 23. Decides to appropriate to the Special Account for the United Nations Organization Mission in the Democratic Republic of the Congo the amount of 1,133,672,200 dollars for the maintenance of the Mission for the period from 1 July 2005 to 30 June 2006, inclusive of the amount of 583,876,800 dollars previously authorized by the General Assembly under the terms of its resolution 59/295 B for the period from 1 July to 31 October 2005, and in addition to the amount of 20,220,700 dollars already appropriated under the terms of the same resolution for the support account for peacekeeping operations and the United Nations Logistics Base for the period from 1 July 2005 to 30 June 2006; 24. Decides also, taking into account the amount of 350 million dollars already apportioned under the terms of its resolution 59/295 B for the maintenance of the Mission for the period from 1 July to 31 October 2005, to apportion among Member States the additional amount of 783,672,200 dollars for the maintenance of the Mission for the period from 1 November 2005 to 30 June 2006, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005 and 2006, as set out in its resolution 58/1 B of 23 December 2003; 25. 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 24 above, their respective share in the Tax Equalization Fund of the amount of 15,664,375 dollars, representing the estimated additional staff assessment income approved for the Mission for the period from 1 November 2005 to 30 June 2006; 26. 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 24 above, their respective share of the unencumbered balance and other income in the amount of 32,836,900 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in its resolution 58/256, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B; 27. 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 amount of 32,836,900 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 26 above; 28. Decides further that the increase of 466,700 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be added to the credits from the amount of 32,836,900 dollars referred to in paragraphs 26 and 27 above; 29. Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions; 30. 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, bearing in mind paragraphs 5 and 6 of Security Council resolution 1565(2004) of 26 August 2003; 31. 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 procedures and practices established by the General Assembly; 32. Decides to keep under review during its sixtieth session the item entitled “Financing of the United Nations Organization Mission in the Democratic Republic of the Congo”. Political developments and MONUC activities

Report of Secretary-General (March). In response to Security Council resolution 1565(2004) [YUN 2004, p. 129], the Secretary-General issued his seventeenth (March) report on MONUC IS/2005/167, covering major developments in the Mission area and progress in the implementation of the MONUC mandate since December 2004 [ibid., p. 134]. He reported some progress in the implementation of the transitional agenda, but no significant improvement in the difficult relationship between the components of the Transitional Government. Implementation of some major aspects of the transition, including security-sector
reform and the legislative agenda, had experienced considerable delays. By 3 January, Parliament had adopted laws on the armed forces, nationality and voter registration. However, legislation on the constitutional referendum and amnesty, the status of the political opposition, the financing of political parties, the draft constitution and the electoral law remained outstanding. A preliminary draft of the constitution was discussed in the Senate, including such issues as the balance of power between the President and the Prime Minister, and between the central Government and provincial governments.

On 7 January, the IEC President indicated to the press that, in his view, it would not be feasible to hold elections in June and that a date later in the year should be considered. The statement fuelled popular suspicion that the Transitional Government wanted to postpone the elections. That led to demonstrations on 9 and 10 January in Kinshasa, Goma and Mbuji-Mayi, which resulted in nine civilian deaths.

Progress was made by the DRC-Rwanda Joint Verification Mechanism in addressing cross-border issues, and by the DRC-Rwanda-Uganda Tripartite Joint Commission in de-escalating regional tensions—both established in 2004 [YUN 2004, p. 134]. Joint verification teams were established in Goma and Bukavu by the DRC and Rwanda and facilitated by MONUC and the AU. The Goma team investigated 18 allegations, two of which were confirmed, including the presence of FDLR in Lusamambo and an internally displaced persons camp at Ngungu in the Kalehe territory near the Rwandan border. The team confirmed that a Rwandan soldier was being detained by FARDC elements in Kashebere, whose return was demanded by Rwanda. MONUC encouraged the parties to address those issues jointly. The Bukavu team became operational on 2 February; it carried out two verification missions. In North Kivu, the cease-fire between opposing FARDC units around Kanyabayonga held, but tensions remained high. In mid-January, MONUC withdrew on schedule from the 10-kilometre security zone it had established in December 2004 on the Kirumba-Mighobwe axis and reinforced its positions between Mighobwe and Kanyabayonga and in Butembo. In the Rutshuru territory, nine soldiers and one civilian were killed in FDLR raids between mid-January and early February.

As to the national disarmament, demobilization and reintegration programme, the Supreme Defence Council, on 25 January, revised its estimate of the number of FARDC combatants from 300,000 to 250,000. Subsequently, the Structure militaire d’intégration issued a revised plan for the emergency disarmament or mixing and re-

Regarding the security situation in Ituri, military operations by various armed groups had increased, particularly in the Tchomia and Kasenyi areas. MONUC adopted a four-pronged, proactive strategy that included pressuring the Transitional Government to take decisive measures against any military group that opposed disarmament and the extension of State authority; strengthening coordination of the disarmament and community reintegration process, so as to conclude the process by 31 March; increasing political and financial support for the District Commissioner’s office; and supporting legitimate authorities in re-establishing control over customs revenue. The Transitional Government had yet to put in place a transparent revenue collection system to end the fighting over the control of parallel tax and custom structures.

In early January, isolated attacks between UPC/L and FNI in the area of Djugu evolved into a wider confrontation between the two groups in the Tchomia and Kasenyi regions. In late January, Lendu fighters and FNI militia attacked Hema villages in the Tche area of Djugu; in response, MONUC launched several operations to enhance security there. On 24 February, MONUC launched a cordon-and-search operation at Ariwara, disarming 116 soldiers of the Forces armées du peuple congolais (FAPC) and collecting 118 weapons and ammunition. It also arrested 30 FNI militia and confiscated weapons in the village of Datule.

The security situation in North and South Kivu remained tense. In response to Rwanda’s threats in December 2004 [YUN 2004, p. 135] to enter the DRC to disarm FDLR forcibly, the DRC sent additional FARDC troops to the area, resulting in increased inter-FARDC clashes. Reports were received of collaboration between FDLR and the UPC/L and FNI in the area of Djugu; in response, MONUC launched several operations to enhance security there. On 24 February, MONUC launched a cordon-and-search operation at Ariwara, disarming 116 soldiers of the Forces armées du peuple congolais (FAPC) and collecting 118 weapons and ammunition. It also arrested 30 FNI militia and confiscated weapons in the village of Datule.
training of troops, under which 10 disarmament centres would be opened before the end of March and MONUC would register arms handed in during the disarmament process, destroy unserviceable weapons and turn over the serviceable ones to the integrated army. Disarmament centres had so far been opened at Mushaki, Nyaleke (North Kivu), Kamina (Katanga) and Kitona (Bas-Congo). An estimated 11,500 troops had arrived at the centres and had handed in their weapons.

In accordance with resolution 1565(2004) [YUN 2004, p. 129], three joint commissions, on essential legislation, security-sector reform and elections, were established. The Joint Commission on Essential Legislation met twice, beginning on 24 January, with a focus on supporting the transitional institutions to adopt, as a priority, a draft post-transitional Constitution and the electoral law. The Joint Commission on Security Sector Reform held its first meeting on 26 January.

The number of foreign combatants and their dependants repatriated to Uganda, Rwanda and Burundi totalled 11,410. Progress in repatriation remained slow due to the continued resistance by the hard-line leadership of the armed groups and the persistent military tension and instability in the Kivus. The presence and activities on Congolese territory of ex-FAR/Interahamwe remained a destabilizing factor in the relations between the DRC and Rwanda. In that regard, MONUC, in consultation with Congolese authorities, key Member States and Rwanda, was implementing a strategy of political and military pressure in conjunction with a reliance on justice. In February, Transitional Government officials met with the FDLR leadership to persuade them to renounce publicly the use of force against Rwanda, condemn the 1994 genocide in that country [YUN 1994, p. 282] and agree to disarm voluntarily and be repatriated. With its deployment of two brigades to the Kivus, MONUC would step up military pressure by conducting operations to disrupt and weaken FDLR formations, thereby to limit their area of operations. It was also assisting FARDC in developing a concept of operations for the forcible disarmament of FDLR, including logistic support.

Regarding the human rights situation in the DRC, a special MONUC team continued to monitor gross violations of human rights in North Kivu. Investigations determined that ex-Armée nationale congolaise (ex-ANC) elements of FARDC were responsible for the arbitrary killings of at least 30 unarmed civilians at Buramba and of dozens more in the Masisi territory, following the group’s occupation of Nyabiondo in December 2004. The North Kivu Governor, who initiated commissions of inquiry into the violations, denied that FARDC (ex-ANC) troops were responsible. MONUC investigated attacks on villages in Rutshuru, near the Ugandan border, where sexual violence was widely reported. In Ituri, arbitrary killings, sexual violence and abductions by militia groups continued on a daily basis.

The Secretary-General said he was deeply disturbed by the general deterioration of security and unabated abuse of human rights in Ituri. He called on the Transitional Government to make visible progress towards the holding of elections, most importantly through the adoption of the draft constitution and electoral law and the commencement of voter registration. He also called on the Congolese leaders to ensure that the Constitution and the electoral law provided for an inclusive political process, with a clear balance of power between the executive and legislative branches of Government, as well as for an independent judiciary, a representative legislature and clear lines of accountability. He called on the international community to step up its efforts and financial and logistic support with regard to security sector reform, and to provide logistics and training support for FARDC units. He stressed that the establishment of an integrated and professional army and police force was key to the MONUC exit strategy, and urged the international community to organize itself around a lead country to support those efforts. The Secretary-General recommended that the Council extend MONUC’s mandate for a period of one year, until 31 March 2006.

**SECURITY COUNCIL ACTION**


The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, in particular resolution 1565(2004) of 1 October 2004, and the statement of 2 March 2005,

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

Reiterating its serious concern regarding the continuous use of its mandate under resolution 1565(2004) 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, calling upon the Government of National Unity and Transition to bring the perpetrators to justice without delay, and recognizing that the continuing presence of ex-Forces armées rwandaises and Interahamwe elements remains a threat for the local civilian population and an impediment to good-neighbourly relations between the Democratic Republic of the Congo and Rwanda,

Welcoming, in this regard, the African Union’s support for efforts to further peace in the eastern part of the Democratic Republic of the Congo, and calling upon the African Union to work closely with the United Nations Organization Mission in the Democratic Republic of the Congo in defining its role in the region,

Reiterating its condemnation of the attack by one of these militias against members of the Mission on 25 February 2005, and welcoming the first steps taken to date to bring them to justice, in particular the arrests of militia leaders suspected of bearing responsibility for human rights abuses,

Reiterating its call upon the Congolese parties, when selecting individuals for key posts in the Government of National Unity and Transition, including the armed forces and national police, to take into account the record and commitment of those individuals with regard to respect for international humanitarian law and human rights,

Recalling that all the parties bear responsibility for ensuring security with respect to civilian populations, in particular women, children and other vulnerable persons, and expressing concern at the continuing levels of sexual violence,

Reaffirming its full support for the Mission and for its personnel, who operate in particularly hazardous conditions, and welcoming the robust action it is undertaking in pursuit of its mandate,

Bearing in mind the third special report of the Secretary-General of 16 August 2004 on the Mission and its recommendations, and aware of the importance of keeping under review the situation in the Katanga and KasaV provinces,

Recalling the link between the illicit exploitation and trade of natural resources in certain regions and the fuelling of armed conflicts, condemning categorically the illegal exploitation of natural resources and other sources of wealth of the Democratic Republic of the Congo, and urging 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,

Taking note of the seventeenth report of the Secretary-General of 15 March 2005 on the Mission, and looking forward to the special report on the electoral process announced by the Secretary-General in paragraph 34 of his seventeenth report,

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 mandate of the United Nations Organization Mission in the Democratic Republic of the Congo, as contained in resolution 1565(2004), until 1 October 2005, with the intention to renew it for further periods;

2. Reaffirms its demand 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, and in particular that all parties provide full and immediate access for, United Nations military observers, including to 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;

3. Urges the Government of National Unity and Transition to do its utmost to ensure the security of civilians, including humanitarian personnel, by effectively extending State authority throughout the territory of the Democratic Republic of the Congo, and in particular in North and South Kivu and in Ituri;

4. Calls upon the Government of National Unity and Transition to carry out the reform of the security sector, through the expeditious integration of the armed forces and of the national police of the Democratic Republic of the Congo and in particular by ensuring adequate payment and logistical support for their personnel, and stresses the need in this regard to implement without delay the national disarmament, demobilization and reintegration programme for Congolese combatants;

5. Also calls upon the Government of National Unity and Transition to develop with the Mission a joint concept of operations for the disarmament of foreign combatants by the armed forces of the Democratic Republic of the Congo, with the assistance of the Mission, within its mandate and capabilities;

6. Calls upon the donor community, as a matter of urgency, to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the armed forces and of the national police of the Democratic Republic of the Congo, and urges the Government of National Unity and Transition to promote all possible means to facilitate and to expedite cooperation to this end;

7. Emphasizing that the Mission is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any attempt at the use of force to threaten the political process, and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-Forces armées rwandaises and Interahamwe, encourages the Mission in this regard to continue to make full use of its mandate under resolution 1565(2004) in the eastern part of the Democratic Republic of the Congo, and stresses that, in accordance with its mandate, the
Mission may use cordon and search tactics to prevent attacks on civilians and to disrupt the military capability of illegal armed groups that continue to use violence in those areas;

8. **Calls upon** all the parties to the transition in the Democratic Republic of the Congo to make concrete progress towards the holding of elections, as provided for by the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, in particular in furthering the early adoption of the constitution and of the electoral law, as well as the registration of voters;

9. **Demands** that the Governments of Uganda, Rwanda, as well as the Democratic Republic of the Congo put a stop to the use of their respective territories in support of violations of the arms embargo imposed by resolution 1493(2003) of 28 July 2003 or of activities of armed groups operating in the region;

10. **Urges** all States neighbouring the Democratic Republic of the Congo to impede any kind of support to the illegal exploitation of Congolese natural resources, particularly by preventing the flow of such resources through their respective territories;

11. **Reaffirms its concern** regarding acts of sexual exploitation and abuse committed by United Nations personnel against the local population, and requests the Secretary-General to ensure compliance with the zero tolerance policy he has defined and with the measures put in place to prevent and investigate all forms of misconduct, discipline those found responsible and provide support to the victims, and to pursue active training and awareness-raising of all Mission personnel, and further requests the Secretary-General to keep the Council regularly informed of the measures implemented and their effectiveness;

12. **Urges** troop-contributing countries carefully to review the letter dated 24 March 2005 from the Secretary-General to the President of the Security Council and to take appropriate action to prevent sexual exploitation and abuse by their personnel in the Mission, including the conduct of predeployment awareness-training, and to take disciplinary action and other action to ensure full accountability in cases of such misconduct involving their personnel;

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

**Declarations of intent to disarm**

Rwanda, by a 1 April communiqué [S/2005/223], informed the Security Council that it had received information that the ex-FAR/Interahamwe forces (also known as FDLR/FOCA) operating in the eastern DRC had decided to disarm unconditionally and to return to Rwanda. Rwanda urged the DRC and the international community to work with dispatch to ensure the expeditious disarmament, demobilization and return of those forces. It remained ready to receive all former combatants returning to Rwanda and to assist in their reintegration. Rwanda welcomed the commitment of the Sant’Egidio community in its role as mediator to join the international community in working for a speedy disarmament and demobilization of those groups. It expressed grave concern that the United Nations, the EU and some countries planned to hold discussions with ex-FAR/Interahamwe, and that the political leadership of groups responsible for the 1994 genocide was based in Belgium with an official address.

A 24 June assessment of the Security Council’s work under the Presidency of China [S/2005/415] included information that the Council was briefed on 7 April by the Assistant Secretary-General for Peacekeeping Operations on the 31 March FDLR statement issued in Rome, in which FDLR condemned the 1994 genocide in Rwanda [YUN 1994, p. 282] and committed itself to renounce the use of force and cease all offensive operations against Rwanda.

The thirty-third meeting of the AU Peace and Security Council (Addis Ababa, Ethiopia, 24 June) [S/2005/429] reiterated the AU’s determination to contribute to the effective disarmament and neutralization of ex-FAR/Interahamwe and other armed groups in the eastern DRC and encouraged the DRC, the other countries of the region and the international community to do their utmost to persuade FDLR to honour unconditionally and without delay its commitments made in Rome on 31 March.

**SECURITY COUNCIL ACTION**

On 12 April [meeting 5162], following consultations among Security Council members, the President made statement [S/PRST/2005/15 on behalf of the Council:

The Security Council welcomes the statement issued by the Forces démocratiques de libération du Rwanda in Rome, on 31 March 2005, in which they condemn the 1994 genocide and commit themselves to renounce the use of force and cease all offensive operations against Rwanda. It considers this encouraging statement as a significant opportunity to move towards the return of peace in the Democratic Republic of the Congo, national reconciliation in Rwanda, and full normalization of relations between the two countries. It commends the role of independent mediator played by the Sant’Egidio community.

The Council calls upon the Forces démocratiques de libération du Rwanda to turn their positive words into action and to demonstrate their commitment to peace by immediately handing all their arms to the United Nations Organization Mission in the Democratic Republic of the Congo and by taking part in the programme put in place for their earliest voluntary and peaceful return to Rwanda or resettlement, as well as by assisting the International Criminal Tribunal for Rwanda in Arusha to fulfill its mandate, particularly with regard to the arrest and transfer to its custody of indictees who remain at large.

The Council encourages all other armed groups in the Democratic Republic of the Congo that have not yet done so to renounce likewise the use of force and to take part without delay in the programmes of disarmament, demobilization and reintegration.
The Council urges the Governments of the Democratic Republic of the Congo and Rwanda to work together, in close cooperation with the Mission, to make use of the chance given to them to contribute to peace and stability in the whole Great Lakes region of Africa.

The Council welcomes the commitment of the Government of Rwanda to receive former combatants, and urges the Government of Rwanda to guarantee the return and reintegration of members of the Forces démocratiques de libération du Rwanda and their dependents to be repatriated, in accordance with applicable standards of international law and with respect for the rights and freedoms of the human being.

The Council recalls the need for an effective programme of reintegration to be quickly implemented with the support, as appropriate, of the international community.

Press statement. According to a 26 April press statement by the Security Council President [SC/8560], the Council was briefed by the Under-Secretary-General for Peacekeeping Operations that political developments in the DRC were at a point when the transition process was entering a key phase. The possibility that the Council might send a number of its ambassadors on a mission to the DRC capital, Kinshasa, was discussed, a decision which would be taken at an appropriate stage. The Council encouraged the Congolese parties to carry through their political process in full respect of the principles set out in the 2002 Global and All-Inclusive Agreement [UN 2002, p. 125]. The Council remained committed to supporting the process, including through its strong support for the action by the Special Representative and CIAT in Kinshasa.

Election preparations

In a May special report [S/2005/320], the Secretary-General provided an overview of progress towards the holding of elections in the DRC, including the legislative and operational framework, the political situation and the security environment. Based on the findings of an April UN mission to the DRC to assess electoral preparations, the report also presented MONUC’s plans for assisting the Congolese people to achieve a viable and open electoral process.

The Secretary-General said that, while considerable difficulties had been encountered during the previous two years, the Transitional Government had made significant strides in implementing the objectives of 2002 Global and All-Inclusive Agreement, and the Congolese people were increasingly focused on the forthcoming national elections, the first in the DRC since 1965. The elections faced a number of challenges: the logistical task of reaching all eligible voters in a country the size of Europe with virtually no roads; a population without identity cards and no census since 1984; political tensions and insecurity from armed groups; and pressure from the public’s high expectations for change. The electoral process would also be affected by a number of key transitional issues on which progress was significantly delayed, in particular the integration and reform of the army and police, the legislative agenda, the extension of State administration, and the financial management of the country. The Secretary-General said it was essential that the elections be sufficiently credible in the eyes of the Congolese electorate and that the political parties encourage broad acceptance of the process and its results. At a March seminar for political parties, IEC presented a draft code of conduct for the electoral process, which was adopted by general consensus by all parties present and was being finalized for their signature. The Secretary-General said Congolese leaders should be urged to pledge publicly, on behalf of their respective political parties and followers, to accept the results of the elections and condemn any use of violence, intimidation or corruption during the electoral process; the international community should ensure that those commitments were respected.

To address reports of growing and widespread misuse of State resources, and to help strengthen public confidence in the transition process, some Member States had suggested the establishment of a joint mechanism of Congolese officials and international donors to support the transparent management of State resources. Strongly supporting the idea, the Secretary-General said the mechanism could take the form a “Group of Friends on Good Governance” and include the World Bank Group, the International Monetary Fund (IMF) and UNDP; he asked his Special Representative to explore the concept with his Congolese interlocutors and donors.

The Secretary-General observed that, despite the security, operational and political challenges, elections could be held in the DRC within a reasonable period of time, given sufficient focus and support by the Transitional Government and assistance from international partners. It was primarily the responsibility of the Transitional Government to create the conditions necessary for stability in the post-transition period and for the success of the electoral process. The Secretary-General strongly urged the transitional leaders to enter into the commitments recommended, including the signing of a code of conduct and the establishment of a “Group of Friends on Good Governance”. He remained deeply concerned over the state of security sector
reform, stating that the Transitional Government should not allow armed elements of former factions to be politically manipulated during the electoral period. It had to ensure transparent payment of salaries and financial support to a viable “brassage” process, as well as support to the new integrated brigades. The Secretary-General urged donors to transform their commitments to the electoral budget into actual disbursements to avoid bottlenecks in the electoral operations.

In the context of MONUC’s role in disarming more than 12,000 combatants in Ituri and in increasing security in North Kivu and South Kivu, the Secretary-General recommended that the Council consider: increasing MONUC’s military strength by some 2,590 all ranks to a total of 19,290—the additional military personnel to be deployed temporarily during and in the immediate period following the elections; strengthening the civilian police component by an additional 261 civilian police and five formed police units to undertake training and institution-building activities; and mandating MONUC to provide logistical support, as requested by IEC, for the transport of electoral material from Kinshasa to the 145 territories (into which the districts were subdivided) and 21 cities in the DRC.

In a July addendum to his report [S/2005/320/Add.1], the Secretary-General informed the Council that the financial implications arising from the recommended support by MONUC for the elections were projected at some $188.8 million for the 12-month period.

**Extension of transition period.** On 17 June [S/2005/408], the DRC National Assembly and Senate, in a joint decision, extended the transition period in the DRC for six months as from 1 July, in accordance with the Transitional Constitution. The period would be renewable once and would expire on the inauguration of the DRC President after the elections. Annexed to the decision was a tentative schedule of elections drawn up by IEC.

**SECURITY COUNCIL ACTION (June)**

On 29 June [meeting 5218], following consultations among Security Council members, the President made statement S/PRE/2005/27 on behalf of the Council:

The Security Council takes note of the joint decision reached by the two Houses of Parliament of the Democratic Republic of the Congo on 17 June 2005 to extend for a period of six months, renewable once, the transitional period that was to expire on 30 June 2005, in accordance with the provisions of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002, and with article 196 of the transitional Constitution.

The Council calls upon all Congolese parties to respect this decision, which aims to allow the elections provided for by the Agreement to take place in satisfactory logistic and security conditions. It encourages the Congolese people to mobilize for and conduct the electoral process in a peaceful manner, and urges, in particular, candidates and political parties to refrain from any action that might disrupt the process. It takes note, in this regard, of the recommendation contained in the special report of the Secretary-General of 25 May 2005 on elections in the Democratic Republic of the Congo that all political parties should sign and commit themselves to respect the agreed code of conduct for the electoral process. The Council urges all parties and transitional institutions to make every effort to respect scrupulously the timetable for polls developed by the Independent Electoral Commission, and in particular to begin preparations for the referendum on the draft Constitution as soon as possible.

The Council welcomes the progress made so far in the preparation of the elections, in particular the adoption and promulgation of the referendum law, and the start of voter registration in Kinshasa, which marks an historic and important step in the electoral process in the Democratic Republic of the Congo. The Council calls upon the transitional authorities to accelerate those reforms remaining to be carried out, in particular drafting of the electoral law and integration of the security forces.

The Council underlines the importance of elections as the foundation for the longer term restoration of peace and stability, national reconciliation, and establishment of the rule of law in the Democratic Republic of the Congo. It calls upon the Congolese authorities to exercise efficient, transparent and comprehensive control over State finances, ensuring that there is no impunity for those responsible for acts of embezzlement or corruption. In this regard, the Council encourages the Congolese authorities to continue consultations with their international partners, in full respect for the sovereignty of the Democratic Republic of the Congo, and to put in place credible arrangements to strengthen support for good governance and transparent economic management.

**Massacres**

As described in a later communication from the Secretary-General to the Security Council [S/2006/28], a group of armed Rwandan elements attacked the village of Kabingu in Ntulu-Mamba in South Kivu on 9 July. A MONUC multi-disciplinary team that investigated the attack, from 12 to 20 July, confirmed that over 50 civilians were killed, more than 40 of whom, mostly women and children, were either burned alive in their huts or killed by machete blows while trying to escape; 15 others were injured, 6 of whom later died of their injuries; 11 women were raped. Widespread looting was also reported. Eyewitnesses indicated that the perpetrators were a group of about 30 well-armed Rwandans from an
area near Kahuzi-Biega National Park, approximately 20 kilometres north-west of Bukavu—the same group whom local sources claimed was responsible for the 23 May massacre of at least 14 civilians in Nindja in Kabare territory. Witnesses suggested that the attack on Kabinugu might have been a reprisal for the population’s collaboration with FDLR and MONUC.

On 12 July [S/2005/431], the DRC condemned the attack on the village of Ntulu-mamba and those attacks carried out by FDLR, ex-FAR/Interahamwe, Rasta and other armed gangs, as well as attacks on the villages of Nyamitira, Nyakakoma and Ishasha, 150 kilometres north of Goma in North Kivu, which it said resulted in more than 30 deaths, over 50 wounded and 39 huts burned down. The DRC recalled that, despite FDLR’s commitment of 31 March (see p. 176) to abandon its military activities and return to Rwanda, it had not yet done so. The DRC had always held that whatever potential threat the FDLR represented, they were a permanent danger and cause of insecurity to the Congolese populations. With UN support, the DRC was determined to intensify its efforts to ensure the protection of civilians and respect for human rights within their territory. The firm support of the international community in that regard was needed.

SECURITY COUNCIL ACTION (July)

On 13 July [meeting 5226], following consultations among Security Council members, the President made statement S/PRST/2005/31 on behalf of the Council:

The Security Council condemns with the utmost firmness the massacre of some 50 people, most of them women and children, which occurred on 9 July 2005 in Ntulu-Mamba, in the Democratic Republic of the Congo.

The Council requests the Special Representative of the Secretary-General for the Democratic Republic of the Congo to establish the facts and report to the Council as quickly as possible.

The Council calls upon the Congolese authorities to prosecute and bring to justice expeditiously the perpetrators and those responsible for these crimes, and requests the United Nations Organization Mission in the Democratic Republic of the Congo to provide all necessary support. The Council encourages the Congolese authorities to continue their efforts to ensure the protection of civilians and respect for human rights within their territory.

The Council stresses the need to bring to an end, particularly in the Kivus and Ituri, attacks by armed groups on local populations, which not only cause further suffering to civilians but also threaten the stability of the entire region, as well as the holding of elections in the Democratic Republic of the Congo. The Council demands that the Force démocratique de libération du Rwanda abide by the commitment made in Rome, on 31 March 2005, renounce the use of force and settle without delay the issue of the return to Rwanda of their combatants.

The Council reaffirms its full support for the Mission. It welcomes the robust actions the Mission is undertaking in pursuit of its mandate, and the assistance it provides to the armed forces of the Democratic Republic of the Congo in reinforcing the safety of the population.

The extended transition period

Report of Secretary-General (August). In his eighteenth (August) report on MONUC [S/2005/506], the Secretary-General reported that, at the end of June, when the transition period was originally to end, and into the first weeks of its six-month extended period, the Transitional Government maintained public order amid calls for violent disturbances and heightened tension due to the debate over the future of the transition process. That debate had divided the Congolese people into two major camps: those participating in the transitional institutions, who favoured an extension of the transition; and those largely not represented in the transitional institutions, who accused the Transitional Government of failing to organize the elections on time, opposed an automatic extension of the transition and called for public demonstrations to stop the transitional process. While the large-scale actions called for by the Union pour la démocratie et le progrès social (UDPS), the lead party of the groups opposing the automatic extension, did not materialize, clashes between demonstrators and security forces between 29 June and 1 July resulted in a number of deaths in Kinshasa, Tshikapa and Mbuji-Mayi. Nonetheless, by 30 June, almost 250,000 voters had received their electoral cards in Kinshasa, a tangible proof that the transition was making progress and that the electoral process was under way.

On 13 May, the National Assembly adopted the draft constitution, which was to be submitted to a referendum on 27 November (see p. 189); on 23 June, the President promulgated the referendum law. A preliminary draft of the electoral law prepared by IEC and the Ministry of the Interior was under review by national and international experts. On 18 June, 186 of the 221 registered political parties signed the code of conduct prepared by IEC, outlining the principles for conducting the electoral process in a transparent, equitable, credible and non-violent manner; UDPS and the Parti du peuple pour la reconstruction et la démocratie (PPRD) had yet to sign the code. For security reasons, voter registration was being implemented throughout the country in five stages, beginning with Kinshasa (20 June) and in Province Orientale and Bas-Congo (25 July); Katanga,
Kasai Oriental and Kasai Occidental; Maniema, North and South Kivu; and ending with Bandundu and Equateur by 30 September. By 26 July, more than 2.7 million voters had registered.

The shortfall in available funds to finance the upcoming elections was of serious concern. Of the estimated total budget of $422 million, only $272.8 million had been pledged, and additional requirements of $105 million were still pending a decision of the Security Council. If the funds were not approved, the electoral timetable could experience more delays. In addition, the Transitional Government estimated that some $48 million would be needed for electoral security, and a further $14.25 million for a communications system.

The IEC launched a civic education campaign on 18 June, and disseminated most of the major legal texts relating to the elections, in the four national languages (Swahili, Lingala, Tshiluba and Kikongo). MONUC, in partnership with the UNDP and Appui au processus électoral au Congo, produced four videos on the electoral process in those languages.

Some progress was made towards de-escalating regional tensions as a result of the meeting of the foreign Ministers of the DRC, Rwanda and Uganda (Lubumbashi, DRC, 21 April) under their 2004 tripartite agreement on regional security. The parties reaffirmed their commitment to ending the presence and activities of foreign armed groups in the eastern DRC; agreed to support FARDC efforts to disarm, demobilize and repatriate FDLR combatants to Rwanda, with MONUC support, and to establish a “fusion cell” for the exchange and analysis of information on border security.

The MONUC brigade in North Kivu carried out operations in close coordination with FARDC against armed elements in the province to facilitate free and safe access for civilians, and joint MONUC-FARDC operations were conducted in FDLR-held territory to limit FDLR’s freedom of movement. MONUC urged the Transitional Government to issue international arrest warrants for militia leaders who might have taken refuge in a neighboring country.

In early May, the FDLR President, Ignace Murwanashyaka, travelled to Kinshasa and to North and South Kivu, apparently to sensitize the estimated 40,000 FDLR combatants and dependants believed to be operating in those provinces and prepare them to implement the FDLR 31 March declaration. He left the country in mid-May without, however, issuing orders for them to enter the disarmament, demobilization, repatriation and rehabilitation programme, for which MONUC had prepared six temporary assembly areas. There followed a slight increase in voluntary programme participation, but no large-scale repatriation. Between January 2003 and 27 June 2005, a total of 11,729 foreign combatants and their dependants were registered as having returned to their countries.

The Secretary-General noted that, despite tensions at the end of the first transition period on 30 June, that date passed without major disruptions to the peace process. He urged the Security Council to approve the requests and recommendations detailed in his special report on elections in order to allow strict adherence to the electoral timetable.

The Secretary-General called on the Congolese authorities to show leadership and political commitment to make certain that the reform and restructuring of the security services, particularly the armed forces and national police, were effectively addressed, and asked donors to continue to coordinate their support in that regard.
The Secretary-General, concerned about the continuing volatility in Ituri and its repercussions for the security of the Great Lakes region, asked the Transitional Government and its partners to prepare urgently a comprehensive plan for integrating Ituri into the nation and end the illegal exploitation of resources in the DRC. He urged national and international action to prevent violations of the arms embargo imposed by Council resolution 1493(2003) [YUN 2003, p. 190] and as extended in scope by resolution 1596(2005) (see p. 192). He also urged the Transitional Government and its international partners to follow up urgently his recommendation to set up an arrangement between donors, international financial institutions and the Transitional Government to promote good governance, and accountable and transparent economic management. The Secretary-General appealed to Member States to maintain pressure on all relevant parties to ensure that the disarmament and repatriation of FDLR combatants proceeded without further delay.

**Security Council briefing.** In his briefing to the Security Council on 11 August on progress in the election preparations, the Assistant Secretary-General for Peacekeeping Operations stressed the need to strengthen MONUC with a view to mandating it to provide logistical support for the election process, as requested in the Secretary-General’s special report on the elections.

**Communications.** The Secretary-General, on 22 August [S/2005/543], drew to the Council’s attention that the DRC effectively had entered the electoral phase of its transitional process following the launch of voter registration in the capital, Kinshasa. The registration, which closed on 31 July with over 2.9 million registered, marked the first stage of the nationwide registration programme to be extended to all provinces. The Secretary-General understood that the Council had reached agreement in principle to approve his recommendation to furnish MONUC with the resources required to allow it to provide logistical support to the Congolese electoral process. To ensure the successful completion of ongoing registration activities in time for the 27 November constitutional referendum, the Secretary-General said he intended to begin immediately to provide such support, pending the Council’s consideration and approval of his recommendation.

The Council took note of that intention on 26 August [S/2005/544].

**SECURITY COUNCIL ACTION (September)**


The Security Council,

Recollecting its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, in particular resolutions 1555(2004) of 1 October 2004 and 1592(2005) of 30 March 2005 and the statement of 29 June 2005,

Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as of all States in the region, and its support for the process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002,

Underlining the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation and establishment of the rule of law in the Democratic Republic of the Congo,

Calling upon the transitional institutions and all Congolese parties to ensure that free, fair and peaceful elections take place and that the timetable for polls developed by the Independent Electoral Commission is scrupulously respected,

Paying tribute to the donor community for the assistance they provide to the electoral process in the Democratic Republic of the Congo, and encouraging them to maintain it,

Welcoming the interest and commitment shown by the Congolese authorities to promote good governance and transparent economic management, and encouraging them to continue their efforts in this regard,

Reiterating its serious concern regarding the continuation of hostilities by armed groups and militias in the eastern part of the Democratic Republic of the Congo, at the violations of human rights and of international humanitarian law that accompany them, and at the threat they pose to the holding of elections in the Democratic Republic of the Congo,

Taking note of the special report of the Secretary-General of 26 May 2005 on elections in the Democratic Republic of the Congo 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. **Approves** the recommendations and the concept of operations described in paragraphs 50 to 57 of the special report of the Secretary-General, and authorizes an increase in the strength of the United Nations Organization Mission in the Democratic Republic of the Congo of 841 personnel, including up to five formed police units of 125 officers each and the additional police personnel;

2. **Underlines** the temporary character of the deployments referred to in paragraph 1 above, and requests the Secretary-General to take the necessary steps with a view to downsizing or repatriating these additional personnel from 1 July 2006 at the latest, and to report to the Security Council before 1 June 2006 on the assessment mentioned in paragraph 47 of his special report;
3. Approves the recommendation made by the Secretary-General in paragraphs 58 and 59 of his special report, and authorizes the Mission, in accordance with that recommendation and with its mandate as defined in paragraphs 5(f) and 7(c) of resolution 1565 (2004), and acting in close coordination with the United Nations Development Programme, to provide additional support to the Independent Electoral Commission for the transport of electoral materials;

4. Encourages the Mission, within its capacity and in accordance with its mandate, to provide advice and assistance as well as the necessary support to the setting up by the Transitional Government, international financial institutions and donors of an arrangement to strengthen support for good governance and transparent economic management;

5. Decides to remain actively seized of the matter.

Statements and communication. Speaking before the General Assembly on 21 September [meeting 18], Uganda said no attention was being given to creating institutions and infrastructure to sustain the DRC, and the integration of armed factions into a single national armed force was half-hearted. Advocating the concept of provisional immunity, Uganda advised that all factions should first be integrated and those guilty of offences punished later. What was being witnessed was a rush to elections and political agendas in the DRC without due regard to the institutions and infrastructure necessary for the long-term sustainability of peace. The 1999 Lusaka Cease-fire Agreement [YUN 899, p. 87], which provided a strong mechanism to enable the region and the DRC to play complementary roles in the peace process, had been abandoned; and, for over five years, MONUC had made no significant effort to ensure demobilization and disarmament of the negative forces recognized by that accord, thus leaving in place the seeds of future conflict.

The DRC, responding on 23 September [meeting 23], said Uganda’s comments were disrespectful and unacceptable. It referred to what it called Uganda’s irredentist designs on the DRC, aimed at “making a grab” for the country’s eastern province. It said Uganda’s objective was to gain control of the significant reserves of raw materials and strategic minerals in Congolese territory. The DRC believed that, to persuade Uganda to embark sincerely on the road to peace, the international community had to impose a comprehensive embargo on the sale of arms and suspend bilateral and multilateral assistance to that country.

In the exercise of its right of reply, Uganda, in a 29 September statement to the Assembly [A/60/489], said it was out of concern and in the spirit of friendship that it proffered its advice on how the international community could move the peace process forward in the DRC, especially in the country’s eastern part. Similar advice was offered by Uganda’s President to the Secretary-General during the high-level plenary meeting of the Assembly on 19 September and in a 22 August letter to the Security Council President; namely, that efforts be made to integrate militia leaders into the Government of National Unity; that provisional immunity be extended to the various rebel groups to ensure immediate peace; and that once peace and security were established, justice could be pursued. Uganda drew the Assembly’s attention to an incident on 13 June, when some Congolese militia leaders entered Uganda. In the absence of a regional process under which they could be handed over to the DRC, all Uganda could do in fulfilment of its international obligation was to declare them persona non gratae. On a bilateral level, Uganda and the DRC were working closely to address outstanding problems. An intelligence-sharing mechanism existed between the two countries and a regional intelligence fusion cell was about to be launched with United States assistance.

Further political developments

Report of Secretary-General (September). The Secretary-General, in his nineteenth (September) report on MONUC [S/2005/603], stated that significant progress was made in voter registration for the elections, along with some progress in the integration of military units in the DRC armed forces and training of the national police. Cooperation among the parties represented in the Transitional Government increased, resulting in enhanced policy coordination. Overall relations between the DRC and neighbouring States had also improved. Only limited progress had been made by donors in providing the resources pledged in support of security for the electoral process to the UNDP-managed basket fund: out of $48.4 million pledged, only $7.6 million had been received by 6 September. Meanwhile, the Transitional Government had disbursed $1.6 million of the $4 million it had pledged.

UDPS, claiming it had not been properly registered as a political party by the Ministry of Interior, called for a boycott of the electoral process and continued to foment tensions in Katanga and the Kasais, where its supporters protested voter registration activities; efforts to persuade UDPS leaders to join the process were unsuccessful. As at 17 September, more than 11 million voters had registered, including 2.9 million in Kinshasa, out of an estimated electorate of 20 to 25 million. Although nationwide registration was to end on 23 September, registration timelines were extended in several areas, as in Katanga and the Kasais, due to logistical difficulties and the slow rate of registration. Despite massive interna-
ational community support for the electoral process, only $165 million out of the $274 million pledged for the electoral budget had been received from donors as of 6 September.

On 10 August, DRC Vice-President Azarias Ruberwa met with Uganda’s President Museveni in Kampala on the issue of the armed groups operating in the DRC. On 23 August, Uganda declared the six MRC leaders persona non gratae and expelled them from Uganda (see p. 184). However, the potential of MRC to undermine progress in stabilizing Ituri remained, given the Transitional Government’s incapacity to bring armed group leaders to justice and prevent their movement into and from Uganda.

The DRC, Rwanda and Uganda held a meeting (Kigali, 24-25 August) within the framework of the Tripartite Joint Commission, with Burundi, the AU Commission, the EU Presidency and MONUC attending as observers. Expressing serious concern at the failure of FDLR to disarm and repatriate in accordance with its 31 March declaration (see p. 176), the meeting agreed that the Transitional Government should maintain contact with FDLR to ensure implementation of its declaration and that failure to do so by 30 September would have serious consequences, including the imposition of sanctions. The meeting also agreed to step up pressure to disarm militias operating in the eastern DRC and to negotiate bilateral extradition treaties concerning the remnant militia leaders. At a ministerial level meeting of the Tripartite Joint Commission (New York, 16 September), Burundi became a full participant; thus the Commission was renamed the Tripartite Plus Joint Commission; a summary of the decisions taken at the meeting was attached to Security Council presidential statement S/PRST/2005/46 (see p. 185).

In Ituri, militia remnants continued to commit human rights violations against the local population in areas where MONUC or FARDC was not present. Regular joint FARDC-MONUC operations resulted in the apprehension of some militia elements, seizure of illegal arms and ammunition, and limiting the militias’ operational area. Despite the disarmament of 15,600 ex-combatants in Ituri, the National Commission for Demobilization and Reinsertion continued to face difficulties in discharging its responsibilities, in particular the payment of demobilization allowances to ex-combatants.

While the situation in North and South Kivu remained tense, voter registration started in the two provinces on 21 August and generally proceeded smoothly. On 26 August, tensions escalated near Rutshuru in North Kivu following repeated clashes between Mayi-Mayi elements and ex-Rassemblement congolais pour la démocratie-Goma (RCD-G) elements who had yet to participate in the disarmament process. On 25 August, a statement attributed to General Laurent Nkunda, one of the main perpetrators of the May 2004 Bukavu crisis [UN 2004, p. 121], was published in Goma, in which he threatened to bring down the Transitional Government. The Council of Ministers responded with a special decree on 2 September, by which it stripped the General of his rank, removed him from the army and decided to prosecute him. Joint or parallel MONUC and FARDC operations resulted in an improved security situation in South Kivu. MONUC investigated a number of attacks by armed groups on villages in South Kivu. In North Kivu, MONUC teams continued to monitor the volatile security situation in the Rutshuru and Masisi territories. Frequent clashes between FARDC troops and armed groups operating in the area resulted in numerous civilian casualties. MONUC investigated several cases of killing, rape and abduction of civilians in Katanga.

Law and order problems continued to contribute to the fragility of the security situation in some areas of Katanga where the Transitional Government had not established effective security mechanisms for the protection of civilians. Despite calls by UDPS for a boycott of voter registration, the process continued in Katanga in a generally peaceful fashion. In northern and central Katanga, most Mayi-Mayi commanders refused to join the disarmament process; lawlessness continued to prevail in 10 out of Katanga’s 21 territories. On 10 and 11 August, FARDC exchanged fire with a Mayi-Mayi group near the Lunga gold mine, about 200 kilometres from Kalemie, and took control of the area. The Secretary-General again recommended that the Council consider authorizing the deployment to MONUC of an additional brigade of 2,580 personnel.

A special humanitarian action plan for the DRC was being developed, with a preliminary budget of $800 million. The plan’s major objectives were to save lives, reduce vulnerability and facilitate the transition, with reintegration as a cross-cutting issue.

The Secretary-General urged donors to accelerate the disbursement of their pledges for financing. However, the Transitional Government needed to work closely with its international partners to ensure the sound, transparent and accountable management of public finances and address corruption effectively. He called on the Congolese authorities to allocate adequate financial resources for strengthening the justice sector in the 2006 State budget and appealed to donors to...
to increase their support in that area. He urged donors to support the development of the 2006 humanitarian action plan (see above) and to provide additional resources in response to the 2005 Consolidated Appeal for the DRC (see p. 996). He also called for increased support by international partners for the security sector reform, including for the main requirements of the FARDC brigades.

The Secretary-General recommended that MONUC's mandate be extended for one year, until 1 October 2006, which would include the period up to the elections and the immediate post-transitional period following the installation of the new Government.

Uganda, in its observations on the Secretary-General’s foregoing report on MONUC, forwarded to the Council on 4 October [S/2005/635], fully endorsed the Secretary-General’s request for 2,580 additional personnel for MONUC and his call on the international community to increase its assistance to the DRC in all areas, especially security reform.

SECURITY COUNCIL ACTION (September)


The Security Council,
Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo, and its readiness to support the peace and national reconciliation process in that country, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo,
Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,
2. Decides also to remain seized of the matter.

Communications. The DRC, in a 3 October letter to the Security Council [S/2005/628], protested the Ugandan President’s statement that the Ugandan army would cross the border into the DRC if in two months’ time the DRC Government and MONUC failed to disarm the Ugandan rebels of LRA, who had come from the Sudan and installed themselves in the Garamba National Park, in the eastern DRC. The DRC called the statement an affront to the international community and a violation of the Charter. The DRC reiterated that it harboured no hidden agenda against any of its neighbours, and had given the LRA rebels an ultimatum to leave the country immediately. The DRC reminded the Council of its various resolutions and presidential statements expressing concern over the proven support of Uganda for the militia in the DRC, particularly in Ituri.

The DRC was firmly committed to the peace process; faced with the new Ugandan threat, however, it would have no choice but to act within the framework of international legality and of Article 51 of the Charter on the inherent right of individual or collective self-defence in the event of an armed attack. The DRC asked the Council to impose appropriate sanctions on Uganda, including an embargo on arms sales to that country, and to demand that it refrain from any action likely to disrupt the DRC peace process.

Uganda, on 7 October [S/2005/645], strongly protested and called false the DRC allegations. It pointed out that the main threat to international peace and security was posed by negative forces, mainly LRA, stationed in the DRC and using it as a base from which to attack Uganda and terrorize its citizens. Uganda had an obligation to defend itself if attacked, in accordance with Article 51 of the Charter. Uganda asserted, however, that there was no attack planned on the DRC and none envisaged. The DRC had an international obligation to make sure its territory was not used as a base from which anti-Uganda elements could attack Uganda.

Uganda stressed that its businessmen did not trade in arms; it did not support any Congolese militia. Its sole interest and unequivocal demand was that the LRA terrorists be promptly disarmed, arrested and brought to justice. It was encouraged that the DRC had taken steps to act against them and was confident that the DRC would continue to do so. Uganda added that at no time had it attempted to enter the DRC in order to attack the LRA terrorists.

Uganda requested the Council to ensure that the DRC and MONUC were given the necessary assistance to disarm and demobilize the negative forces.

SECURITY COUNCIL ACTION (October)

On 4 October [meeting 5275], following consultations among Security Council members, the President made statement S/PRST/2005/46 on behalf of the Council:

The Security Council takes note of the report of the Secretary-General of 26 September 2005 on the
United Nations Organization Mission in the Democratic Republic of the Congo. It expresses its concern over the presence of foreign armed groups which continue to pose a serious threat to stability in the eastern part of the country.

The Council deplores in this regard the failure of the Forces démocratiques de libération du Rwanda to proceed with the disarmament and repatriation of their combatants, and exhorts them to do so without further delay and in accordance with the declaration that they signed at Rome on 31 March 2005.

The Council recognizes the attached decision, taken on 16 September 2005 by the Democratic Republic of the Congo, Uganda, Rwanda and Burundi, acting within the framework of the Tripartite Plus Joint Commission, to set the deadline of 30 September 2005 for the Forces démocratiques de libération du Rwanda to disarm or otherwise to face measures intended to compel them to do so. The Forces démocratiques de libération du Rwanda can no longer remain as an armed group in the Democratic Republic of the Congo.

The Council demands that the Forces démocratiques de libération du Rwanda seize this opportunity to proceed voluntarily with their disarmament and return to Rwanda without any delay or preconditions.


The Council welcomes the steps taken by the Government of Rwanda, with the support of the international community, to peacefully repatriate members of the Forces démocratiques de libération du Rwanda returning to Rwanda, in accordance with the applicable norms of international law and with respect for the rights and freedoms of the human person. The Council encourages the Government of Rwanda to continue to give the widest publicity to its commitments.

The Council demands the full cooperation of the Forces démocratiques de libération du Rwanda with the International Criminal Tribunal for Rwanda, particularly with regard to the arrest and transfer of indictees who remain at large.

Moreover, the Council notes with concern the incursion of members of the Lord’s Resistance Army into the Democratic Republic of the Congo and welcomes the intention of the Congolese armed forces to disarm this group in cooperation with the Mission and in accordance with the mandate of the Mission as set out in resolution 1565 (2004).

Further, the Council calls upon all armed groups in the Great Lakes region of Africa to act without delay to lay down their arms and join the processes of political transition under way in the region.

The Council calls upon the States of the region to deepen their cooperation with a view to putting an end to the activities of illegal armed groups. It recalls its adherence to respect for the sovereignty of all States and underlines that any recourse to the threat or use of force against the territorial integrity of a State is contrary to the purposes and principles set out in the Charter of the United Nations.

Attachment

Tripartite Plus Joint Commission Ministerial
Waldorf Astoria Hotel
New York
16 September 2005

Summary of decisions

Members of the Tripartite Commission commended Burundi’s successful political transition, officially welcomed Burundi as a full participant and adopted the new name Tripartite Plus Joint Commission.

The Tripartite Plus members

— Reiterated their commitment to prevent negative elements from using their respective territories to destabilize neighbouring countries;
— Agreed to continue military and political pressure on the Forces démocratiques de libération du Rwanda (FDLR) to ensure that it fulfils its commitment to disarm and repatriate;
— Agreed to continue military and diplomatic pressure on all other militias to ensure their disarmament and repatriation or reintegration;
— Agreed to retain 30 September 2005, as the deadline for voluntary disarmament and repatriation or reintegration and that failure to do so would trigger imposition of sanctions;
— Agreed that the Tripartite Joint Commission has contributed to the reduction of tension in the Great Lakes region and that additional confidence-building measures are necessary to bring stability to the area, including:
- Authorization by the Democratic Republic of the Congo of a Ugandan office in Beni to encourage, in conjunction with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Democratic Republic of the Congo, the disarmament and repatriation or reintegration of the Allied Democratic Forces (ADF), the National Army for the Liberation of Uganda (NALU) and the People’s Redemption Army (PRA);
- Consideration of how to extradite Mutebusi, Nkunda and other leaders of armed groups;
- Articulation of the mechanisms the United States of America and the European Union should employ against all militias operating in eastern Democratic Republic of the Congo by Tripartite members;
— Agreed to have the European Union, in conjunction with the Government of Rwanda, draft an information package for distribution to FDLR that outlines measures to encourage their disarmament and repatriation or reintegration;
— Welcomed the African Union’s announcement of plans for an October reconnaissance mission that will lead to recommendations on how to proceed with the establishment of an African Union force in eastern Democratic Republic of the Congo;
— Welcomed the continued effort of the international community to augment and build the capacity of the Armed Forces of the Democratic
Republic of the Congo (FARDC) in order to bring stability to eastern Democratic Republic of the Congo;

— Agreed that MONUC’s response in eastern Democratic Republic of the Congo had improved, but that additional capacity was necessary to enforce its mandate;

— Agreed that the facilitator will draft a timeline of actions by the Tripartite members and Contact Group through 31 December 2005 that are aimed at ensuring stability in the Great Lakes region, to include:
  • Develop sanctions that will be imposed on militias after 30 September 2005 should voluntary disarmament not occur;
  • Install Tripartite Fusion Cell in Kisangani and Tripartite Plus member capitals.
  • Develop and distribute an incentive package to encourage FDLR and other militias to return to their country of origin.
  • Undertake an African Union reconnaissance mission in the Democratic Republic of the Congo.

Communication. Following a meeting of the Tripartite Plus Joint Commission (Kampala, 20-21 October), the Ministers of the partner States of the Commission (Burundi, the DRC, Rwanda and Uganda), in a 21 October letter to the Security Council [S/2005/667], proposed that the draft resolution before the Council on the renewal of MONUC’s mandate (see below) be strengthened to include the identification by name of all armed groups currently operating in the eastern DRC; the disarmament of all armed groups and militias in that area, using all means necessary; and a redoubling of the donor community’s efforts to support the integration, training and equipping of the DRC armed forces and national police. Attached to the letter was a text of an amendment to MONUC’s mandate (see below) be strengthened to:

1. Develop additional security within its area of operations during the electoral period;
2. Undertake an African Union reconnaissance mission in the Democratic Republic of the Congo, at the threat they pose to the holding of elections in the Democratic Republic of the Congo, and the recommendations contained therein;
3. Underlining the temporary character of the increase referred to in paragraph 2 above, and requests the Secretary-General to take the necessary steps with a view to downsizing or repatriating this additional strength from 1 July 2006; the latest, and to report to the Security Council before 1 June 2006 on the assessment to be made for that purpose;

The Security Council,


Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region, and its support for the process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002, and underlining the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation and establishment of the rule of law in the Democratic Republic of the Congo,

Reiterating its serious concern regarding the continuation of hostilities by militias and foreign armed groups in the eastern part of the Democratic Republic of the Congo, and at the threat they pose to civilians and to the holding of elections in the Democratic Republic of the Congo and to stability in the region,

Deploring the violations of human rights and international humanitarian law committed by armed groups and militias, and stressing the urgent need for those responsible for these crimes to be brought to justice,

Welcoming the robust action taken by the United Nations Organization Mission in the Democratic Republic of the Congo against these groups and militias, and commending the dedication of the personnel of the Mission, who are operating in particularly hazardous conditions,

Calling upon all armed groups in the Great Lakes region of Africa, such as the Forces démocratiques de libération du Rwanda, the Parti pour la libération du peuple hutu-Forces nationales de libération and the Lord’s Resistance Army, to act without delay to lay down their arms, enter demobilization programmes and support efforts to consolidate peace that are underway in the region,

Having noted the decision, taken on 16 September 2005 by the Democratic Republic of the Congo, Uganda, Rwanda and Burundi, acting within the framework of the Tripartite Plus Joint Commission, to retain the deadline of 30 September 2005 for the voluntary disarmament of the Forces démocratiques de libération du Rwanda, on the understanding that sanctions would be imposed should they fail to respect this deadline,

Taking note of the letter dated 21 October 2005 from the ministers representing Burundi, the Democratic Republic of the Congo, Rwanda and Uganda on the Tripartite Plus Joint Commission addressed to the President of the Security Council,

Calling upon the States of the region to deepen their cooperation with a view to putting an end to the activities of illegal armed groups, and underlining the fact that any recourse to the threat or use of force against the territorial integrity of a State is contrary to the Charter of the United Nations,

Urging, in this regard, participants in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region of Africa to convene the second summit as soon as possible,

Aware that the link between the illegal exploitation of natural resources, the illicit trade in those resources and the proliferation of and trafficking in arms is one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, in particular in the Democratic Republic of the Congo,

Paying tribute to the donor community for the assistance it is providing to the Democratic Republic of the Congo, and encouraging it to maintain that assistance,

Taking note of the report of the Security Council mission which visited the region of Central Africa from
10. Requests, in this regard, the Secretary-General, in close coordination with all relevant stakeholders and in particular the Government of National Unity and Transition, to submit to the Council for its consideration, by 15 March 2006, a comprehensive and integrated strategy for the disarmament, repatriation and resettlement of foreign combatants, incorporating military, political, economic and justice-related aspects, including the contribution of the Mission within its current mandate, in accordance with the applicable norms of international law and with respect for the rights and freedoms of the human person;

11. Emphasizes that, as per resolution 1565(2004), the Mission is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any foreign or Congolese armed group from attempting to use force to threaten the political process, and to ensure the protection of civilians under imminent threat of physical violence;

12. Urges the Government of National Unity and Transition to carry out reform of the security sector, through the expeditious integration of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and in particular by ensuring adequate and timely payment and logistical support for their personnel, with a view to allowing them, inter alia, to expedite the disarmament of armed groups operating on Congolese territory, taking note, as appropriate, of the recommendations of the European Union Mission of Assistance for Security Sector Reform mentioned in the report of the Security Council mission to Central Africa;

13. Reiterates its call upon the donor community, as a matter of urgency, to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and urges the Government of National Unity and Transition to promote all possible means to facilitate and expedite cooperation to this end;

14. Requests the Secretary-General to submit his observations and, if he deems it necessary, recommendations concerning the letter dated 21 October 2005 from the ministers representing Burundi, the Democratic Republic of the Congo, Rwanda and Uganda on the Tripartite Plus Joint Commission addressed to the President of the Security Council;

15. Demands that the Governments of Uganda, Rwanda, the Democratic Republic of the Congo and Burundi take measures to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolutions 1492(2003) of 28 July 2003 and 1506(2003), and renewed by resolution 1616 (2005), or in support of activities of armed groups present in the region;

16. Demands also that all States neighbouring the Democratic Republic of the Congo, as well as the Government of National Unity and Transition, impede any kind of support to the illegal exploitation of Con-
golese natural resources, in particular by preventing the flow of such resources through their respective territories;

17. Requests States concerned and in particular those in the region to take additional measures with regard to the political and military leaders of the foreign armed groups present in their respective territories, including, where necessary, by taking action to bring them to justice or by taking appropriate measures of international cooperation and judicial assistance;

18. Reiterates its call upon the Congolese authorities to bring to justice without delay perpetrators of grave violations of human rights and international humanitarian law, and reiterates that the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo, as set out in resolution 1565(2004), includes cooperation with efforts to bring such perpetrators to justice;

19. Demands that all parties cooperate fully with the International Criminal Tribunal for Rwanda, particularly with regard to the arrest and transfer of indictees who remain at large;

20. Decides to remain actively seized of the matter.

Constitutional referendum

The referendum on the draft constitution, originally scheduled for 27 November, but postponed owing to the need to extend the period of voter registration, particularly in the provinces of Bandundu and Equateur, was successfully held on 18 and 19 December with minimal security incidents country-wide. Turnout was moderate and somewhat low in the opposition strongholds of the Kasais and in parts of Kinshasa, but appreciably higher in the eastern provinces. The referendum was preceded by a formal information campaign, from 2 to 16 December, as required by the referendum law. Several months prior to that, IEC, MONUC, most political parties and several NGOs carried out civic education programmes. Civic and voter education activities were generally believed to have been insufficient, however, and would need to be stepped up in the lead-up to the elections.

SECURITY COUNCIL ACTION

On 21 December [meeting 5340], following consultations among Security Council members, the President made statement S/PRST/2005/66 on behalf of the Council:

The Security Council commends the people of the Democratic Republic of the Congo for the successful holding of the referendum on the draft Constitution. The large number of voters demonstrated a genuine aspiration to peace and national reconciliation.

The Council pays tribute to the work of the Independent Electoral Commission, which was able, with unprecedented and outstanding logistical support from the United Nations Organization Mission in the Democratic Republic of the Congo and with the assistance of the international community, to take up this challenge.

The Council recalls its support for the holding of elections in the coming months, which must take place before the end of the transitional period on 30 June 2006. It urges the Government of National Unity and Transition to live up to the expectations of the Congolese people and to do its utmost to ensure that the next polls are held in accordance with the timetable of the Independent Electoral Commission.

The EU, on 22 December [S/2005/853], issued a statement congratulating the Congolese people, IEC and MONUC on the successful holding of the referendum on the Constitution on 18 December and reiterated its strong commitment to help the Congolese people to achieve the goal of completing the transition to full democratic Government as soon as possible.

Situation at end of year

The twentieth (December) report of the Secretary-General on MONUC [S/2005/832] noted that the electoral process gained further momentum. Voter registration was completed in all provinces, with over 25 million citizens, of an estimated electorate of 22 to 28 million having been registered by 17 December. On 7 November, President Kabila submitted to the National Assembly the draft electoral law, adopted by the Council of Ministers on 25 October. The draft provided for elections to the national and provincial assemblies to be conducted under a proportional representation system, with a closed list of candidates; to that end, 186 districts would be established, based on the existing administrative units (territories, towns and, for Kinshasa, communes). A joint commission of National Assembly and Senate members considered the draft text to help bridge differences on some of its essential provisions, including the options of using open and closed lists. It recommended an amended draft providing for a combination of three electoral systems, depending on the number of seats in each constituency. On 29 November, the National Assembly adopted the law granting amnesty for all political offences, including attempts on the life of a Head of State, as envisaged in the 2002 Global and All-Inclusive Agreement [YUN 2002, p. 125].

The security situation in Ituri, although significantly improved, remained fragile. An FARDC integrated brigade, with MONUC support, was deployed to the gold-mining areas of Kilo and Mongwali in mid-October. By early November, close to 1,000 MRC militia had surrendered, of whom 300 were transported to Kisangani to be disarmed and demobilized. As a result of a joint
FADRC-MONUC operation launched in mid-November in Irumu territory, south of Bunia, some 200 MRC elements fled towards North Kivu, where they surrendered to FARDC and were disarmed. Another 100 militia fled to Uganda and handed over their weapons to the Ugandan People’s Defence Forces (UPDF); their repatriation was being organized by Uganda and the DRC. Security in the border areas deteriorated, particularly in the Aru and Faradje territories, reportedly infiltrated by LRA and Sudanese criminal elements and UPDF troops from the Sudan and Uganda. The situation improved following a joint FADRC-MONUC operation around Aba, on the border with the Sudan, and a mid-November meeting there between FARDC and the Sudanese People’s Liberation Movement/Army (SPLM/A).

The Transitional Government intensified military pressure on foreign armed groups and Mayi-Mayi elements in the Kivus who persisted in their refusal to enter the disarmament process. Military operations in the Kivus focused on, among other things, addressing concentrations of militia, especially FDLR and the Allied Democratic Forces/National Army for the Liberation of Uganda, ensuring flexible logistic MONUC support to enable rapid FARDC deployment, conducting joint FARDC-MONUC operations and supporting the operations of the integrated FARDC brigades. In late September, FARDC captured Bulundule, Bulindi and the adjoining villages to the north of Bunia, and the DR Congo people in and around Bulundu and Bulindi, in Walungu territory in South Kivu, occupied for almost two months by FDLR and allied ex-Mayi-Mayi elements. In reprisal, FDLR/Rastas on 9 October attacked civilians in and around Buba in Walungu, causing 25 deaths. On 25 October, FARDC, with MONUC support, launched operations against renegade Mayi-Mayi in Virunga National Park, disarming 359 of them, destroying five camps and confiscating 167 weapons, as well as capturing 14 FDLR elements. While the operations improved security in several areas, they also caused the displacement of some 5,000 civilians from their homes in Bulundule, Bulindi and the adjoining villages to Kanyabayonga.

The security situation in northern and central Katanga continued to suffer from the activities of uncontrolled armed groups and FARDC elements. Mayi-Mayi militia reportedly killed a Catholic priest, looted villages and perpetrated human rights abuses in Moba, Manono and Kabala, causing the displacement of some 2,000 persons. An additional source of insecurity in the area were FARDC elements, particularly in connection with illegal tax collection and disputes with the provincial authorities. In the Nyunzu-Kabalo-Kongolo area, ex-Mayi-Mayi groups were reported to have expanded their territorial control, including over the Lunga gold mines. Outside the main cities, illegal roadblocks were set up, and gross human rights violations by Mayi-Mayi, FARDC, the national police, and intelligence and security services continued unabated.

The Transitional Government, with MONUC support, intensified its operations forcibly to disarm and repatriate Rwandan and Ugandan armed groups in the DRC. Several operations were carried out in the North and South Kivus, and about 60 Rwandan combatants and their dependants agreed to enter the demobilization process. As to the three-phase disarmament of former FARDC factional forces, only the first phase was completed with the integration of six brigades. The second phase, which was to have begun in September, was delayed by the slow pace in moving troops to the disarmament centres and by a shortfall of about 30,000 troops entering the process. Despite efforts to address the backlog, the national disarmament, demobilization and reintegration of ex-combatants into society remained slow.

The Secretary-General congratulated the people of the DRC on their successful constitutional referendum, the first important step to the elections. He urged all Congolese and international stakeholders to continue working together towards meeting the outstanding objectives of the transitional agenda. He also urged the Parliament to accelerate its review and approval of the electoral law, and the Transitional Government to promulgate an electoral timetable and step up the related civic education. He called on the Government to work with its partners to implement their proposals to address issues related to security sector reform, and with the international community to increase the capacity of the judicial system nationwide and to ensure humane conditions of detention. He strongly urged donors to consider his request for the minimum resources necessary for FARDC to conduct military operations with MONUC to disarm the foreign armed groups in the DRC. He also pointed to the strengthening of the Government’s sovereignty, including its ability to manage the country’s natural resources and provide basic services to the population, as requiring serious attention.

Arms embargo

In February [S/2005/81], the Security Council Committee established pursuant to resolution 1533(2004) [YUN 2004, p. 137] (Security Council Committee on the DRC) to review and monitor the arms embargo imposed by resolution 1493 (2003) [YUN 2005, p. 130] reported on its activities from 12 March to 31 December 2004, during which it held one formal and four informal meet-
ings. The Committee received replies from 34 States and the EU to the request contained in resolution 1533(2004) that all States inform the Committee of measures they had taken to comply with the arms embargo. It also received notifications in advance from three States regarding exceptions to the embargo, on which the Committee took no action.

**Report of Group of Experts (January).** In accordance with Security Council resolution 1552(2004) [YUN 2004, p. 141], the Group of Experts on the Democratic Republic of the Congo, established pursuant to resolution 1533(2004), submitted its first report in January [S/2005/30]. As described by the report, the political and military realities in the eastern part of the DRC and on either side of it were such as to make the arms embargo susceptible to a variety of interpretations; hence, the need for a reappraisal of its geographical scope and targets. Many of the areas in the region suffered from the absence of State authority and thus from the extension of law and order. Moreover, the intertwining of shared interests and objectives on both sides of the DRC’s eastern border rendered the arms embargo subject to abuse. The Group focused its investigations on three sectors connected to weapons supply and logistical support, namely, civil aviation, customs and immigration, and border commerce, and gave a detailed account of its findings.

Given the complexity of the political landscape in the DRC and the varying allegiances within the Transitional Government, the Group recommended that the target of the embargo, as defined in Council resolution 1493(2005), be revisited with a view to clarifying its terms and exemptions; that the état-major intégré de l’armée des forces de la RDC in Kinshasa, in which all parties to the 2002 Global and All-Inclusive Agreement [YUN 2002, p. 125] were represented and which, in principle, functioned as the decision-making body of the integrated army, be instructed to coordinate the activities of the Group and MONUC and the flow of information between them.

MONUC should standardize inspection and data collection procedures and establish baseline data on weapons seized or acquired. As to the monitoring of airports and air operations, MONUC should conduct regular ad hoc inspections of aircraft, including relevant documentation, at strategic airports, and share the information obtained with the DRC civil aviation authorities, the International Civil Aviation Organization (ICAO) and the Group for further action. The Ubwari Peninsula on the Congolese side of Lake Tanganyika was, in the Group’s opinion, a conduit for arms smuggling and a hub for illicit military activity and should be monitored.

Modalities for integration into the DRC national army and police should include prior notification to MONUC of the internal movements of arms and related materiel for the use of the integrated units. The Council should consider resourcing a small arms component within UNOB or a UN agency, and baseline data and a weapons inventory should be established in connection with the disarmament programme in Burundi. The Group called on the commander of the DRC tenth military region to sensitize those who denied access to MONUC and the Group during an airport inspection in Bukavu, as well as all FARDC personnel under his command, to the need to abide by UN resolutions; to prevent similar instances in the future, the état-major should send clear instructions to all FARDC military regions to cooperate with MONUC in its inspections.

Given the large number of illicit aircraft operating to and from the eastern DRC, a coordinated, aggressive campaign should be launched by the Transitional Government, ICAO, MONUC and neighbouring Governments to divest the region of aircraft and air cargo companies involved in illegal aviation practices. The DRC civil aviation authorities should regularly verify the validity of aircrafts and pilots’ documents to stop the use of false documents. The Group recommended that Uganda regularize the status of civilian aircraft using the military apron at Entebbe Airport and that Burundi investigate the dual use of the registration 9U-BHR by aircraft of Volga Atlantic and Aigle Aviation.

The Group’s recommendations relating to border controls called for, among other measures: the imposition by the Council of a travel ban and asset freeze on high-ranking leaders of the Ituri armed groups, and the extension of State authority to customs and immigration in all of the DRC, especially in the embargoed areas; the mobilization by Uganda of sufficient manpower, including police and immigration officials, along key border crossings; and the strict regulation of

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Africa 191
Uganda’s gold export trade and Rwanda’s import of mineral resources.

The Group underscored the need to rectify the ambiguous relations between the military regions in the eastern DRC. The eighth and tenth military regional command structures, although officially part of an integrated FARDC, were in conflict with one another in the field. Accordingly, the Group called for sanctions against General Obedi, commander of the eighth military region who had been reluctant to oust the dissident General Nkunda and Colonel Nakabaka, an ex-Mayi-Mayi commander found supplying arms to FNL and FDLR from FARDC stores. It also called on the état-major to send clear instructions to the commanders of the eighth and tenth military regions to thwart cohabitation between FARDC troops and FDLR units in their respective areas of responsibility and to give priority to apprehending General Nkunda and extraditing the dissident Colonel Mutebutsi and his renegade forces to the DRC to face charges.

Finally, the Group recommended that the DRC, Rwanda and Uganda adhere to their 2004 tripartite agreement on regional security [YUN 2004, p. 154]. The Tripartite Plus Joint Commission and the 2004 Joint Verification Mechanism signed by the DRC and Rwanda [ibid.] should serve as the appropriate forums for addressing allegations of foreign military interference in the internal affairs of another country. Member States should strive to identify members of the FDLR diaspora based in their respective countries and contributing to the financing of FDLR activities in order to sever such assistance.

Communications. In a 31 January letter [S/2005/79], Rwanda informed the Security Council Committee on the DRC that the Group’s report had been completed without its input and that it had been deliberately denied the opportunity to share information with the Group in a meaningful manner. It claimed that the Rwanda section of the report was “riddled with inconsistencies, ambiguity and innuendo”. Rwanda addressed some of the issues dealt with in the report, including civil aviation, allegations of Rwandan support for dissident forces, Rwanda’s alleged “residual” presence in the DRC, and the negative forces of FDLR. It concluded that FDLR/Forces combattantes Abacunguzi presented the greatest threat to regional peace and security, and recommended that the embargo and its monitoring be extended to the entire territory of the DRC. It also recommended that the Group’s report and the evidence on which it was based be subject to critical review by either the Joint Verification Mechanism or the Tripartite Plus Joint Commission.

On 23 February [S/2005/200], Uganda, while welcoming the report, found sections that were of concern to it, including the report’s methodology, allegations that Uganda maintained contact with leaders of armed groups in the embargoed region, illegal flights between Uganda and the DRC, Uganda’s negligible customs supervision along its border with the DRC, arms transfers from Uganda to dissident forces in the DRC, and denying the Group a visit to military facilities. Uganda further outlined measures it had taken to comply with the Group’s recommendations.

SECURITY COUNCIL ACTION (April)


The Security Council,


Reiterating its serious 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 perpetuate a climate of insecurity in the whole region,

Welcoming the fact that some of these groups and militias have started to submit an inventory of arms and related material in their possession, as well as their location, with a view to their participation in the programmes of disarmament, and encouraging those who have not yet done so rapidly to do so,


Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and declaring its determination to continue closely monitoring implementation of the arms embargo imposed by resolution 1495(2003),

Recalling the importance for the Government of National Unity and Transition to implement without delay the integration for which it bears responsibility of the armed forces of the Democratic Republic of the Congo by continuing to work within the framework of the Joint Commission on Security Sector Reform, and encouraging the donor community to provide coordinated financial and technical assistance for this task,

Commending the efforts made by the Secretary-General, the African Union and other actors concerned to restore peace and security in the Democratic Republic of the Congo, and welcoming in this regard
the Declaration adopted in Dar es Salaam on 20 November 2004 at the conclusion of the first summit of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, Taking note of the reports of the Group of Experts established by paragraph 10 of resolution 1533(2004), of 15 July 2004 and 25 January 2005, transmitted by the Security Council Committee established in accordance with paragraph 8 of the same resolution (hereinafter “the Committee”), and of their recommendations, 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 measures established by paragraph 20 of resolution 1893(2003) and extended until 31 July 2005 by resolution 1532(2004), decides that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and reiterates that assistance includes financing and technical assistance and training intended solely for humanitarian or protective use, and that only customs airports are used for international air service, and requests the Mission, in airports and airfields where it has a permanent presence, to cooperate within its existing capability with the competent Congolese authorities, with a view to enhancing the capability of those authorities to monitor and control the use of airports; 2. Decides that the measures above shall not apply to:
(a) Supplies of arms and related materiel or technical assistance and training intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided that the said units:
—Have completed the process of their integration;
—Operate under the command, respectively, of the état-major intégré of the armed forces or of the national police of the Democratic Republic of the Congo; or
—Are in the process of their integration, in the territory of the Democratic Republic of the Congo outside the provinces of North and South Kivu and the Ituri district;
(b) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Organization Mission in the Democratic Republic of the Congo;
(c) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 8(e) of resolution 1533(2004);
3. Requests the Mission, within its existing capabilities and without prejudice to the performance of its current mandate, and the Group of Experts referred to in paragraph 21 below to continue to focus their monitoring activities in North and South Kivu and in Ituri; 4. Decides that all future authorized shipments of arms and related materiel consistent with such exemptions noted in paragraph 2 (a) above shall only be made to receiving sites as designated by the Government of National Unity and Transition, in coordination with the Mission, and notified in advance to the Committee; 5. Demands that all parties other than those referred to in paragraph 2 (a) above with military capabilities in Ituri, in North Kivu or in South Kivu, help the Government of National Unity and Transition implement its commitments regarding disarmament, demobilization and reintegration of foreign and Congolese combatants, and regarding security sector reform;
6. Decides that, during the period of enforcement of the measures referred to in paragraph 1 above, all Governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:
(a) To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licences of pilots;
(b) To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee, and to maintain such prohibition until the Committee is informed by States or by the Group of Experts that these aircraft meet the said conditions and standards set forth in chapter V of the Chicago Convention and determines that they will not be used for a purpose inconsistent with the resolutions of the Security Council;
(c) To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 above;
7. Also decides that each Government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, shall maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories;
8. Calls upon the Government of National Unity and Transition to strengthen the monitoring of the activity of all airports and airfields, in particular those located in Ituri and in the Kivus, to ensure in particular that only customs airports are used for international air service, and requests the Mission, in airports and airfields where it has a permanent presence, to cooperate within its existing capability with the competent Congolese authorities, with a view to enhancing the capability of those authorities to monitor and control the use of airports; 9. Recommends, in this context, to States in the region, and in particular to those parties to the Declaration adopted in Dar es Salaam on 20 November 2004, to promote regional cooperation in the field of air traffic control;
10. Decides that, during the period of enforcement of the measures referred to in paragraph 1 above, the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:
(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighboring States;
(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1 above, and to notify the Mission of such actions;

and requests the Mission and the United Nations Operation in Burundi, in accordance with their respective mandates, to provide assistance to this end, where they have a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo and of Burundi;

II. Reiterates its call upon the international community, in particular the specialized international organizations concerned, notably the International Civil Aviation Organization and the World Customs Organization, to provide financial and technical assistance to the Government of National Unity and Transition, with a view to helping it exercise effective control over its borders and its airspace, and invites in this regard the International Monetary Fund and the World Bank to provide assistance with a view to evaluating and improving the performance and enhancing the capacity of the Customs of the Democratic Republic of the Congo;

12. Urges all States to conduct inquiries into the activities of their nationals who operate or are associated with the operation of aircraft or other means of transport such as those referred to in paragraphs 6 and 10 above for the transfer of arms or related materiel in violation of the measures imposed by paragraph 1 above, and if necessary to institute the appropriate legal proceedings against them;

13. Decides that, during the period of enforcement of the measures referred to in paragraph 1 above, all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

14. Decides also that the measures imposed by the previous paragraph shall not apply where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the Council’s resolutions, that is peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

15. Decides further that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13 above, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities;

16. Decides that the provisions of the previous paragraph do not apply to funds, other financial assets and economic resources that:

(a) 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 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 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 four working days of such notification;

(b) 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;

(c) Have been determined by relevant States to be the subject of a judicial, administrative or arbitration 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 or entity designated by the Committee pursuant to paragraph 15 above, and has been notified by the relevant States to the Committee;

17. Decides also that, no later than 31 July 2005, it shall review the measures set forth in paragraphs 1, 6, 10, 13 and 15 above, in the light of progress made in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the integration of the armed forces and of the national police;

18. Decides further that the Committee shall undertake, in addition to the tasks listed in paragraph 8 of resolution 1533(2004), the following tasks:

(a) To designate persons and entities with respect to the measures set forth in paragraphs 6, 10, 13 and 15 above, including aircraft and airlines, and regularly to update its list;

(b) To seek from all States concerned, and particularly those in the region, information regarding the actions taken by them to enforce the measures imposed by paragraphs 1, 6, 10, 13 and 15 above, and any further information it may consider useful, including by providing all States with an opportunity to send representatives to meet the Committee to discuss in more detail any relevant issues;

(c) To call upon all States concerned, and particularly those in the region, to provide the Committee with information regarding the actions taken by them to investigate and prosecute, as appropriate, individuals designated by the Committee, pursuant to subparagraph (a) above;

(d) To consider and decide on requests for the exemptions set out in paragraphs 4 and 16 above;

(e) To promulgate guidelines as may be necessary to facilitate the implementation of paragraphs 6, 10, 13 and 15 above;
19. **Demands** that all parties and all States cooperate fully with the work of the Group of Experts referred to in paragraph 21 below and of the Mission, and that they ensure:
   
   (a) The safety of their members;

   (b) Unhindered and immediate access for the members of the Group of Experts, in particular by supplying them with any information on possible violations of the measures taken by Member States in accordance with paragraphs 1, 6, 10, 13 and 15 above, and by facilitating access of the Group of Experts to persons, documents and sites it deems relevant to the execution of its mandate; 

   20. **Requests** all States concerned, in particular those in the region, to report to the Committee, within forty-five days from the date of adoption of the present resolution, on the actions they have taken to implement the measures imposed by paragraphs 6, 10, 13 and 15 above, and authorizes the Committee thereafter to request from all Member States any information it may consider necessary to fulfill its mandate; 

   21. **Requests** the Secretary-General, in consultation with the Committee, to re-establish, within thirty days from the date of adoption of the present resolution and for a period expiring on 31 July 2005, the Group of Experts referred to in paragraph 10 of resolution 1533(2004) with the addition of a fifth expert for financial issues, and requests further that the Secretary-General provide the Group of Experts with the necessary resources to fulfill its mandate; 

   22. **Requests** the Group of Experts to report to the Council in writing before 1 July 2005, through the Committee, inter alia on the implementation of the measures set forth in paragraphs 1, 6, 10, 13 and 15 above; 

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

**Press statement and communication.** According to a 26 April press statement [S/2005/322], the Security Council Committee on the DRC had been apprised of allegations pertaining to the work of the Group of Experts. It noted with concern that the allegations appeared to have been circulated in breach of contractual undertakings on confidentiality and in complete disregard for the security and safety of those involved with the work of the Group, undermining its future investigations. The Committee thoroughly examined the allegations calling into question the Group’s investigative methodology and some of its findings and carefully considered the Group’s explanations, with which it was fully satisfied. The Committee reaffirmed its full support for the work of the Group and encouraged it to continue to observe the highest procedural and evidentiary standards in conducting its work.

Rwanda, on 21 July [S/2005/263], reiterated its concerns, (see p. 192) regarding the Rwanda section of the Group’s January report (see p. 191). It said those concerns had been corroborated by the UN independent consultant who reviewed the Group’s work and concluded that, with respect to Rwanda, the experts had failed to conduct a thorough investigation. In many cases, they did not meet their own evidentiary standards, misrepresented facts and situations, and omitted significant information in reporting specific incidents to support their predetermined conclusions. The Group’s poor working methods and lack of integrity and transparency suggested that its appointing authority and the Security Council should ensure that the Group’s mandate was fulfilled in a strictly professional and non-prejudiced manner. Rwanda reiterated its request of 15 April to be subjected to an independent and transparent review.

**Re-establishment of Group.** The Secretary-General, on 17 May [S/2005/322], informed the Security Council that, in accordance with paragraph 21 of resolution 1596(2005) above, he had re-established the Group of Experts for a period expiring on 31 July 2005, and appointed five experts, among them a finance expert, to constitute the Group.

**Report of Group of Experts (July).** The second report of the Group of Experts, submitted in July [S/2005/456], noted that the short mandate period of the Group compelled it to focus on a limited number of issues relating to the implementation of the arms embargo. The Group reported that it was unable to collect irrefutable evidence of new violations of the embargo, but was investigating a suspected shipment of dual-use material crossing the border between Zambia and the DRC. It continued to receive reports of weapons flows and illegal armed group activities in the DRC and neighbouring States, but was unable to investigate the specific methods used to acquire, transport, and transfer those arms and to finance those activities, or the procurement of associated military material. The extent to which armed groups received logistical support and arms shipments across the border between Ituri and Uganda required further investigation, as did the way arms embargo violators continued to profit from the insufficient control of the DRC airspace and landing sites in Ituri. The Transitional Government, with MONUC’s support, was re-asserting its authority over the border, in particular in Ituri district, as evidenced by the stationing of 27 border control officials at critical border crossings with Uganda. In its inspection of the Ituri crossings at Aru and Ariwara, however, the Group found that the Government’s authority was weak and undermined by the overwhelming presence of illicit commercial networks with ties to dissident Ituri armed factions. The weak border controls allowed for lucrative alliances between leaders of armed groups and unscrupu-
lous businessmen, and for the diversion of wealth to fund arms-related activities and destabilization efforts in the eastern DRC. The Group received satisfactory assistance from the concerned Governments in its investigation of civil aviation operations, but concluded that DRC supervision of those operations was of an unacceptably low standard.

The Group’s interaction with the DRC, Uganda and Rwanda took place in a climate of cooperation and trust. However, owing to the time constraints of the Group’s limited mandate, the DRC Transitional Government could not satisfy fully the Group’s requests for information. The same was true of the meetings with Uganda. The meetings with Rwanda were likewise conducted in a constructive and open spirit but, except in the area of civil aviation, little of the other information requested by the Group was provided. The Group continued to examine the financial means sustaining embargoed parties, including revenue generated from the trade of precious metals; in so doing, it reviewed statistics from all three Governments on the production, import and export of precious metals and found significant inconsistencies.

The Group observed that inter-State cooperation in the Great Lakes region was one of the most powerful tools for countering violations of the arms embargo, which demanded a flexible and permanent mechanism for unambiguous information-sharing and cooperative action between States at the tactical and political levels.

The Group recommended maintaining the sanctions regime well into the post-electoral period; allocating sufficient means to MONUC for deployment on the borders and in DRC airports to support national customs structures and for monitoring its airspace and airport activities. It called for the development, under the Government’s direction, of enhanced traceability systems for all important natural resources of the DRC, with the participation of Rwanda and Uganda, the World Bank and IMF, regional participants such as the Multi-country Demobilization and Reintegration Programme and the International Conference in the Great Lakes Region, along with relevant industry participants and other interested partners; and for regular reporting by the DRC to the Security Council Committee on the DRC on developments and implementation of those systems. The Group further recommended that the DRC request ICAO for technical expertise to improve national aviation security standards and that the World Bank, ICAO and other multilateral organizations assist the Transitional Government in developing the capacity of the national civil aviation authority.

SECURITY COUNCIL ACTION


The Security Council,
Reiterating its serious 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 Kivu and South Kivu and in the Ituri district, which perpetuate 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 closely monitor compliance with the arms embargo imposed by resolution 1493(2003) and expanded by resolution 1596(2005), and to enforce the measures provided for in paragraphs 13 and 15 of resolution 1596(2005) against persons and entities acting in violation of the embargo,
Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

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 of paragraphs 15, 18 and 19 of resolution 1493(2003) and of paragraphs 5 and 19 of resolution 1596(2005);
2. Decides, in the light of the failure by the parties to comply with the demands of the Council, to renew until 31 July 2006 the provisions of paragraphs 20 to 22 of resolution 1493(2003), as amended and expanded by paragraph 1 of resolution 1596(2005), and reaffirms paragraphs 2, 6, 10 and 13 to 16 of resolution 1596(2005);
3. Expresses its intention to modify or to remove those provisions if it determines that the demands noted above have been satisfied;
4. Requests the Secretary-General, in consultation with the Committee, to re-establish the Group of Experts within thirty days from the date of adoption of the present resolution and for a period expiring on 31 January 2006, drawing, as appropriate, on the expertise of the members of the Group of Experts established pursuant to resolution 1596(2005);
5. Requests the Group of Experts to continue fulfilling its mandate as defined in resolutions 1533(2004) and 1596(2005), to update the Committee on its work by 10 November 2005, and to report to the Council in writing before 10 January 2006, through the Committee, inter alia on the implementation of the measures imposed by paragraph 20 of resolution 1493(2003) and expanded by resolution 1596(2005), with recommendations in this regard, in particular concerning the lists provided for by paragraph 10(g) of resolution 1533(2004), and including information on the sources of financing, such as from natural resources, which are funding the illicit trade in arms;

6. Decides to remain actively seized of the matter.

Re-establishment of Group. The Secretary-General, on 2 September [S/2005/566], informed the Security Council that, in accordance with paragraph 4 of the foregoing resolution, he re-established the Group of Experts until 31 January 2006, and appointed five experts to constitute the Group.


Brazil, in a later addendum [S/AC.43/2005/15/Add.1], informed the Committee of the measures it had taken to comply with the provisions of resolution 1616(2005) (see above).

Burundi

Several positive developments took place in Burundi in 2005, culminating in the successful conclusion of the transition period and the peaceful transfer of authority to representative and democratically elected government and institutions. With the assistance of the United Nations Operation in Burundi (ONUB), the referendum on the post-transition Constitution was conducted successfully on 28 February. On 3 June, for the first time since Burundi’s independence in 1962, elections were held for communal councilors. Elections for the National Assembly were held on 4 July, and indirect Senate elections on 29 July. On 19 August, Pierre Nkurunziza, leader of the largest former political armed group called Conseil national pour la défense de la démocratie—Forces pour la défense de la démocratie, was elected President by a Joint Parliamentary Congress. His inauguration on 26 August marked the formal conclusion of the transitional process.

In March, an assessment mission dispatched by the Secretary-General in 2004 to consider the possible establishment of an international judicial commission of inquiry, as provided for in the 2000 Arusha Agreement on Peace and Reconciliation, recommended the establishment of two accountability mechanisms, negotiations for which were under way: a non-judicial one in the form of a national truth commission and a judicial one in the form of a special chamber within the Burundi court system.

On 15 May, Domitien Ndayizeye, President of the Transitional Government of Burundi, and Agathon Rwasa, leader of the Parti pour la libération du peuple hutu-Forces nationales de libération (FNL (Rwasa), also known as Palipehutu-FNL), signed a declaration to cease hostilities immediately, establish technical teams to decide on the mechanisms for a permanent ceasefire and promptly begin negotiations. Negotiations had not taken place by year’s end and FNL remained outside the peace process.

The Implementation Monitoring Committee, established under the terms of the Arusha Agreement to monitor, supervise and coordinate the implementation of the Agreement, had played a critical role since September 2000 in Burundi’s peace process and was dissolved with the installation of the new Government of Burundi. On the basis of a proposal by the Secretary-General, ONUB in October launched the Burundi Partners’ Forum, an international mechanism to support the new Government in its efforts to consolidate peace and promote recovery and development in the country.

Burundi believed that the significant improvement in the overall situation in the country no longer warranted the continuation of a peacekeeping presence; hence, at its request, ONUB began to draw down 40 per cent of its military force in December. Consultations were held between ONUB and the Burundian authorities to determine modalities for the withdrawal.

ONUB

The United Nations Operation in Burundi, established in 2004 by Security Council resolution 1545(2004) [YUN 2004, p. 151], was extended until 1 July 2006 by resolution 1630(2005) (see p. 214). Among the many tasks specified by its mandate, ONUB was to ensure respect of the ceasefire agreements; promote the re-establishment of
confidence between the Burundian forces; carry out the disarmament and demobilization portions of the national programme of disarmament, demobilization and reintegration of combatants; monitor the quartering of the Armed Forces of Burundi (FAB) and their heavy weapons, and the illegal flow of arms and movements of combatants across Burundi’s borders; contribute to the successful completion of the electoral process, and to the creation of security conditions for the provision of humanitarian assistance; facilitate the voluntary return of refugees and internally displaced persons; protect civilians under imminent threat of violence; and to ensure the protection of UN personnel, facilities and equipment, as well as the security and freedom of movement of ONUB personnel.

Headquartered in the Burundi capital of Bujumbura, ONUB was headed by the Special Representative of the Secretary-General for Burundi, Carolyn McAskie (Canada). Its military observers were deployed to 27 team sites across the country; its infantry battalions were deployed to the following areas of operation: Cibitoke, Gitega, Bubanza, Bujumbura and Makamba. It maintained five regional offices, in Bujumbura Rurale, Gitega, Makamba, Muyinga and Ngozi. The electoral, human rights, civilian police, civil affairs and public information personnel in each office operated under the leadership of a Regional Coordinator.

The Status of Forces Agreement for ONUB, requested in resolution 1545(2004), was signed by the United Nations and the Transitional Government in Bujumbura on 17 June.

The mandate of ONUB was extended thrice during the year, the third time until 1 July 2006.

Sexual exploitation and abuse. The Special Representative moved proactively to enforce the Secretary-General’s zero-tolerance policy with regard to undesirable behaviour, abuse and sexual exploitation by UN personnel in Burundi.

The code of conduct officer of ONUB, accompanied by the Special Representative and the Force Commander, gave briefings for all contingent commanders and senior officers. The few complaints of misconduct by UN personnel were promptly addressed and were under investigation. In June, the Deputy Secretary-General visited Burundi to deliver a special message on the code of conduct and sexual exploitation and abuse. She also acknowledged the efforts and commitment of ONUB to upholding the highest possible standards of conduct.

Financing

In June, during its resumed fifty-ninth session, the General Assembly considered the Secretary-General’s report on the ONUB budget for 1 July 2005 to 30 June 2006 totalling $296,654,700 and expenditure report for the period 21 April to 30 June 2004 indicating expenditures of $40,246,100 against an appropriation of $49,709,300 [A/59/748]. It also considered ACABQ’s related report [A/59/756/Add.12], containing its recommendations and observations.

GENERAL ASSEMBLY ACTION

On 22 June [meeting 104], the General Assembly, on the recommendation of the Fifth Committee [A/59/289/Add.1], adopted resolution 59/15 B without vote [agenda item 155].

Financing of the United Nations Operation in Burundi

B

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Operation in Burundi and the related reports 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, and the subsequent resolution 1577(2004) of 1 December 2004, by which the Council extended the mandate of the Operation until 1 June 2005,

Recalling also its resolution 58/312 of 18 June 2004 on the financing of the Operation and its subsequent resolution 59/15 A of 29 October 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 5745(IV) of 27 June 1963, 3014(XXVIII) of 11 December 1973 and 35/253 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 resolutions of the Security Council,

1. Requests the Secretary-General to entrust the Head of Mission with the tasks of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Operation in Burundi as at 15 April 2005, including the contributions outstanding in the amount of 88.7 million United States dollars, representing some 25 per cent of the total assessed contributions, notes with concern that only forty-three Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possi-
Financing of the appropriation

17. Decides further to apportion among Member States the amount of 307,693,100 dollars at a monthly rate of 25,641,091 dollars, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003 and taking into account the scale of assessments for 2005 and 2006, 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 Operation.

18. 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 17 above, their respective share in the Tax Equalization Fund of 10,306,800 dollars, comprising the estimated staff assessment income of 8,297,100 dollars approved for the Operation for the period from 1 July 2005 to 30 June 2006, the prorated share of 1,782,300 dollars of the estimated staff assessment income approved for the support account and the prorated share of 227,400 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 Operation, there shall be set off against their apportionment, as provided for in paragraph 17 above, their respective share of the unencumbered balance and interest income in the amount of 9,470,200 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in its resolution 58/256, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B;

20. Decides further that, for Member States that have not fulfilled their financial obligations to the Operation, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and interest income in the amount of 9,470,200 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 19 above;

21. Decides that the decrease of 33,900 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be set off against the credits from the amount of 9,470,200 dollars referred to in paragraphs 19 and 20 above;

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

23. Encourages the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Operation, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502(2003) of 26 August 2003;

24. 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;

25. Decides to include in the provisional agenda of its sixtieth session the item entitled “Financing of the United Nations Operation in Burundi”.

Expenditure report

for the period from 21 April to 30 June 2004

14. Takes note of the expenditure report for the Operation for the period from 21 April to 30 June 2004;

15. Decides to appropriate to the Special Account for the United Nations Operation in Burundi the amount of 49,709,300 dollars previously authorized and appropriated for the establishment of the Operation for the period from 21 April to 30 June 2004 under the terms of its resolution 58/312;

Budget estimates

for the period from 1 July 2005 to 30 June 2006

16. Decides also to appropriate to the Special Account for the United Nations Operation in Burundi the amount of 307,693,100 dollars for the period from 1 July 2005 to 30 June 2006, inclusive of 292,272,400 dollars for the maintenance of the Operation, 12,609,400 dollars for the support account for peacekeeping operations and 2,813,300 dollars for the United Nations Logistics Base;
Political and military developments

Political developments and ONUB activities

Report of Secretary-General (March). In response to Security Council resolution 1577(2004) [YUN 2004, p. 154], the Secretary-General issued his March report on ONUB [S/2005/19] covering developments since November 2004 [YUN 2004, p. 153]. He said the six-month extension of the transition period, which began on 1 November 2004 [ibid.], had allowed the Burundian parties to advance the peace process despite some delays in the electoral calendar. The President had promulgated a law to establish a National Truth and Reconciliation Commission and decreed a limited right of assembly during the campaign on the constitution. The constitutional referendum would be conducted in accordance with the 1993 national election law. On 2 February 2005, the President’s Office indicated that the texts of the proposed electoral code and communal law, both prerequisites for the conduct of elections, were ready for submission to the Council of Ministers, before being introduced to the National Assembly and Senate.

On 6 January, the transitional President sought and promptly received the Constitutional Court’s interpretation that would allow him to submit a revision to the constitution for direct referendum or through the National Assembly and Senate. He had asked the Court to determine his authority directly to amend those articles of the constitution prohibiting transitional presidents from running in the first presidential election; requiring the National Assembly and the Senate to elect the first president of the post-transitional period; and providing for the co-option of an additional 18 to 21 Assembly members under specific circumstances. The President’s party, the Front for Democracy in Burundi (FRODEBU), called for an endorsement of the constitution in the referendum but opposed any pre-referendum amendments. On 12 January, the FRODEBU parliamentary group issued a statement stressing that the proposed amendments would be inconsistent with the 2000 Arusha Agreement on Peace and Reconciliation in Burundi [YUN 2000, p. 146]. The Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD(Nkurunziza)) issued a statement accusing President Ndayizeye of trying to delay elections, and warned that a “return to war” remained an option. By a 17 January joint communiqué, 11 political parties, including FRODEBU, condemned the President’s attempts to amend the constitution. On the other hand, the Vice-President’s party, the Union for National Progress, Burundi (UPRONA), supported the President, advocating strongly for an amendment. During that period, the Special Representative met with the President and other leaders on numerous occasions to discuss the proposed amendments, impressing upon them the importance of adhering to the Arusha Agreement. On 25 and 26 January, the Facilitator of the Burundian peace process (the Deputy President of South Africa) travelled to Bujumbura to convey a message from the Great Lakes region to all parties against amending the constitution before the referendum, likewise reminding them of their obligations under the Arusha Agreement. On 4 February, President Ndayizeye announced that he would no longer seek a constitutional amendment. UPRONA expressed dissatisfaction and, along with two other Tutsi-dominated parties—the Rally for Democracy and Economic and Social Development (RADDES) and the Party for National Redress (PARENA)—called for a vote against the constitution in the referendum. Despite two postponements by the Independent National Electoral Commission (CENI), the referendum on the post-transition Constitution took place on 28 February (see p. 202).

On 25 January, FNL (Rwasa) announced its willingness to restart peace talks with the Transitional Government, the first such indication since formal negotiations ended after FNL claimed responsibility for the August 2004 Gatumba massacre [YUN 2004, p. 149]. FNL’s willingness to negotiate was also made known, through an intermediary, to the Special Representative. The Secretary-General affirmed UN preparedness to extend to the Great Lakes Regional Peace Initiative on Burundi and the Facilitator, the mediators of the Burundian peace process, any assistance that would help achieve a comprehensive ceasefire and sustainable peace in Burundi.

The Implementation Monitoring Committee, at its twenty-fifth session (24-25 January), welcomed the progress in the peace process, specifically the publication of voter lists, the promulgation at the end of 2004 of the laws on the new National Defence Force and national police service, and the registration early in January of the former armed political movements as political parties. It examined the new law on the National Truth and Reconciliation Commission, noting the need to avoid overlapping jurisdictions between the Commission and the proposed international judicial commission of inquiry (see p. 205). It held two special meetings in February to examine matters pertaining to the return of Burundian refugees, other vulnerable populations, land reform and political prisoners.
In keeping with the 3 January communiqué, expressing its intention to normalize relations with the DRC, Burundi’s Foreign Minister visited Kinshasa (10-12 February) and concluded a bilateral agreement on the normalization of relations and security cooperation with DRC. The Secretary-General requested his Special Representative to discuss with the two Governments and MONUC an action plan to increase security along the Burundi-DRC border.

The security situation in Burundi remained generally stable, but armed clashes between the joint FAB/CNDD-FDD and FNL (Rwasa) continued in the provinces of Bujumbura Rurale, Bubanza and Cibitoké. On 23 January, the Governor of Bubanza and his bodyguard were killed when his entourage was stopped by unidentified assailants. On 4 February, the Governor of Bubanza and his bodyguard were killed when his entourage was stopped by unidentified assailants. ONUB issued a statement on 25 January denouncing the murder; its subsequent investigation into the incident failed to ascertain the motive or find the perpetrators.

With regard to security sector reform, the laws promulgated by President Ndayizeye at the end of 2004 for the establishment of the new National Defence Force and national police service required considerable work to define their operational modalities and to enact the necessary legal instruments and regulations.

The Secretary-General reported some progress in the disarmament, demobilization and reintegration programme. Following the successful training and integration of 1,800 joint FAB/CNDD-FDD security units at the Tenga training centre at the end of 2004, an agreement with the Government was reached on 13 January 2005 to begin the training and integration of an additional 2,700 ex-combatants. As of 4 February, 4,441 ex-combatants, who were not to be integrated into the security forces, had been disarmed and demobilized at the Gitega, Bubanza and Muramya demobilization centres, where they also received elementary skills training and financial assistance. By 20 February, 12,950 ex-combatants, predominantly from CNDD-FDD and ex-FAB, entered designated cantonment sites in preparation for their relocation to a demobilization centre. Given the generally poor conditions in those sites, on 22 February, the Joint Ceasefire Commission, the Executive Secretariat and ONUB met to address specific concerns pertaining to conditions at the Buramata cantonment site; in subsequent meetings, all parties agreed to begin the initial demobilization of ex-combatants from that site. The remaining ex-combatants had not yet begun their full-scale transfer from the pre-disarmament assembly area to the cantonment sites, pending the harmonization of ranks, appointment of their representatives in the National Defence Force high command, approval of an operational plan for integration into the national security structures, and the return of FAB soldiers to barracks. ONUB, the Executive Secretariat and FAB agreed that the return of FAB soldiers to barracks would take place simultaneously with the entry of the armed political parties/movements to the cantonment sites, where their security would be monitored by ONUB military observers, in coordination with the joint security units and joint liaison teams comprising members from all parties.

The first and second phases of the demobilization of child soldiers ended by 31 December 2004, with 2,260 FAB and gardiens de la paix child soldiers demobilized by UNICEF and its partners through the Child Soldiers National Structure. An additional 618 children from the six armed political parties/movements were demobilized and reintegrated with their families or were in community care.

On 19 January, the Minister of Public Security signed a paper jointly elaborated by the Transitional Government and ONUB entitled “Concept for the Integration of the Burundi National Police”. The paper set forth the reform and integration of the national police in two phases: the first phase was to ensure security during the elections, to be provided by the national police and defence forces; the second was to consist of various consolidation activities and long-term reform and capacity development initiatives. The paper also identified the responsibilities of the different actors involved and provided a basic framework for donors to provide assistance. On 18 February, during the first phase, ONUB began a 10-day training-of-trainers course for 70 Burundian civilian police trainers selected from officers of the Government and of the armed political parties/movements.

Besides monitoring the ceasefire agreements and the implementation of disarmament and demobilization activities, ONUB assisted with the nationwide distribution of electoral material and provided security daily to personnel of ONUB, UN agencies and programmes and NGOs, as well as to food convoys to the various assembly/cantonment sites throughout Burundi. It increased patrols close to the refugee camps in Mwaro and Muyinga and the former transit site at Ngagara (Bujumbura Mairie), where Congolese Banyamulenge refugees were located. It conducted a series of military operations aimed at deterring foreign combatants from infiltrating the border with the DRC, curtailing the flow of illegal weapons and assisting in the monitoring of the DRC arms embargo, in coordination with MONUC.
The Secretary-General observed that despite delays in the electoral calendar, there had been continued progress in the peace process, especially with regard to the extension of the transition, preparation for elections, and the demobilization, disarmament and reintegration process. He pointed out the key tasks to be completed without delay as the transitional process was entering its final and most crucial phase: the promulgation of an electoral code and communal law; the establishment of technically realistic dates in the electoral calendar; and the commencement of meaningful military and police integration. The inclusion of FNL (Rwasa) in the transitional process also needed to be carefully assessed in order to achieve sustainable peace and stability throughout Burundi. The Secretary-General reiterated his call on all political and military leaders to stay the course, to respect the letter and spirit of the Arusha Agreement and to conclude the transitional process expeditiously and in good faith. He instructed the Special Representative to explore with the Burundian parties and regional and international partners ideas on how the United Nations and the international community could continue to support the consolidation of peace after elections. A decisive donor response would also be required in the post-transitional period to help stabilize the country. The extent of human rights violations in Burundi continued to be of concern; and the culture of impunity, which had contributed to the conflict, had to be addressed decisively, in order to lay the foundation of lasting peace and national reconciliation.

Constitutional referendum

The referendum on the post-transition Constitution was conducted successfully without major incident on 28 February. Of the 3.3 million registered voters, 92.4 per cent, or 2,894,372 Burundians, exercised their right to vote for the first time since 1994; and about 90.1 per cent of voters endorsed the Constitution. On 6 March, the Constitutional Court confirmed the referendum results and formally adopted the Constitution. International donors provided full funding for the referendum and ONUB provided extensive transportation assistance, including the transport by land and air of electoral materials to polling stations.

By a press statement of 1 March [SG/SM/9742], the Secretary-General congratulated the Transitional Government and the Burundian people for the successful conduct of the referendum. He called on all Burundian parties to build on that positive momentum and ensure the early conduct of the national elections that would conclude the transitional process in Burundi.

The EU, in a 4 March statement [S/2005/146], welcomed the successful holding of the referendum and the high voter turnout. It encouraged Burundi to complete as swiftly as possible the remaining stages of the electoral process and urged all political forces to take part in this process and to accept unreservedly the expression of the will of the people.

SECURITY COUNCIL ACTION (March)

On 14 March [meeting 341], following consultations among Security Council members, the President made statement S/PRST/2005/13 on behalf of the Council:

The Security Council welcomes the approval by the Burundian people of the post-transitional Constitution, through the referendum of 28 February 2005, the final results of which have just been declared. The very broad participation of the citizens of Burundi, who have voted in favour of the Constitution in large numbers, is the sign of their support to the peace process. It is an important event for Burundi and for the whole region of the Great Lakes of Africa.

The Council calls upon all Burundians to remain committed to the course of national reconciliation, for further steps remain to be taken. It invites, in particular, the political leadership in the country to work together towards the common goal of holding, expeditiously, local and national elections that are free and fair. It encourages the donor community to continue providing its assistance to this end.

Report of Secretary-General (May). In his fourth report on ONUB, issued on 19 May [S/2005/328], the Secretary-General noted that, in furtherance of the transitional process, the Chairman of the Regional Peace Initiative on Burundi, President Museveni of Uganda, convened a summit (Entebbe, Uganda, 22 April) attended by the Facilitator and the Presidents of Burundi, Kenya, the United Republic of Tanzania and Zambia, together with high-level representatives of Ethiopia, Rwanda and the AU, and the Special Representative of the Secretary-General. The summit endorsed a revised electoral calendar presented by CENI, and extended the transition period for the second time, until 26 August. It called for strict adherence to the new electoral timeline, which set the communal elections for 3 June; the legislative elections for 4 July; the Senate elections for 29 July; and the election by Parliament of a post-transition president for 19 August. Elections at the colline (village) level were to be held after the end of the transition period, on 23 September. The summit also endorsed the efforts of the Tanzanian President in his contacts with FNL (Rwasa), and mandated the Facilitator to resolve outstanding issues between President Ndayizeye and CNDD-FDD (Nkurunziza).
As national elections drew near, tensions mounted, especially between FRODEBU and CNDD-FDD (Nkurunziza), leading the latter to suspend its participation in cabinet meetings at the end of April. Tensions began when President Ndayizeye rejected the CNDD-FDD nominee for the post of Minister of the Interior (reserved for Minister nominated by CNDD-FDD on 11 May, 9 May), at which it was agreed that close consultations between the two leaders were necessary; in keeping with President Ndayizeye’s undertaking, he appointed an alternative Interior Minister nominated by CNDD-FDD on 11 May. The electoral code and the communal law, which were submitted to the National Assembly in early March, were promulgated on 20 April. By 8 May, 32 political parties had submitted their lists of candidates for the communal elections, with an average of 11 competing parties per commune. Submission of similar lists for the legislative elections was expected to be completed by 20 May.

The Implementation Monitoring Committee, at its twenty-sixth and twenty-seventh regular sessions, called on the Transitional Government to ensure the adoption of the necessary legal framework, including a decree on the harmonization of military ranks, in order to allow for the reintegration of former armed political parties/movements into the new national defence and police forces. The Committee, which had played a critical role in the peace process since September 2000, was expected to be dissolved at the end of the transition. Consequently, the Special Representative began consultations on the possible establishment of an international support mechanism to assist the elected Government during its first term.

Overall, the security situation in Burundi remained stable except for minor clashes with armed FNL (Rwasa) elements, and acts of banditry and looting. In Mubimbi and Kabezi, communities in Bujumbura Rural, acts of criminality reportedly increased after CNDD-FDD combatants withdrew to cantonment sites. Security improved with the reinforcement of ONUB patrols in those areas in March and April, and its deployment of National Defence Force units at the end of April.

As to security sector reform, the last disarmament assembly area closed in April, following the transfer of all combatants of the armed political parties/movements to cantonment sites. Combatants from the Gashingwa and Mabanda sites were transferred to the military regions to undergo joint training with former FAB units before their formal integration into the new National Defence Force. That process had been yet to be completed for combatants in the Kibuye cantonment sites. In addition, two brigades and one special protection unit, with a total of 6,000 personnel, were established and deployed through direct integration. On 11 May, President Ndayizeye signed a decree regulating the harmonization of military ranks, setting out the mechanism for the demobilization of officers and regulating the status of officers to be integrated into the National Defence Force and national police. The Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration established 10 provincial offices in support of ex-combatant reinsertion.

The Secretary-General stated that it was incumbent on the Burundian parties to demonstrate the political will necessary for the successful conclusion of the transitional process, and to ensure the strictest adherence to the new electoral calendar. He invited all Burundian leaders to reinforce the message that sectarian interests could no longer define modern Burundian society, which should build on the gains of the peace process and move towards national reconciliation, stability and development. The Secretary-General believed that the international community should play an active role in supporting the elected Government and endorsed efforts of the United Republic of Tanzania to facilitate an agreement between the Government and FNL (Rwasa). In the meantime, Burundi had to find a solution to its devastating debt burden if it was to enter the reconstruction and development phase in earnest. Ethnic and regional division, at the core of human rights abuses, needed to be resolutely addressed in the post-transition period.

In his belief that the role of ONUB in Burundi continued to be vital, especially during the electoral period, the Secretary-General recommended extending the mandate of the Operation at its current strength for an additional period of six months, until 1 December 2005.

Declaration of 15 May

Following consultations with member States of the Regional Peace Initiative, the United Nations and international partners, the United Republic of Tanzania held meetings with an FNL (Rwasa) delegation (Dar es Salaam, the United Republic of Tanzania, 4-12 April), which concluded with a statement by the delegation expressing FNL’s intention to negotiate with the Transitional Government, cease hostilities, and provide a written
explanation for its involvement in the 2004 Gatumba massacre [YUN 2004, p. 149]. The Deputy Chairperson of the Regional Peace Initiative (President Benjamin Mkapa of the United Republic of Tanzania) subsequently met with FNL leader Agathon Rwasa (Dar es Salaam, 25 April), who reiterated his group’s commitment to begin negotiations. To that end, the United Republic of Tanzania arranged a meeting between President Ndayizeye and the FNL leader in Dar es Salaam on 15 May. At the meeting, the two parties signed a declaration (S/2005/325) by which they agreed on an immediate cessation of hostilities and to establish within a period of not more than one month technical teams to decide on the mechanisms of the permanent ceasefire; to begin negotiations as early as possible; and to negotiate without disrupting the current electoral process.

The Secretary-General later reported, however, that 15 FNL elements were killed the previous day in circumstances suggesting premeditated violence. The claim by the National Army made statement 9 June, the United Republic of Tanzania committed to respect the parties’ confidence in further negotiations. On 23 May [meeting 5184], following consultations among Security Council members, the President of the Republic of Burundi, Mr. Domitien Ndayizeye, and the FNL leader Agathon Rwasa, the Council takes note with satisfaction of the declaration signed on 15 May 2005 in Dar es Salaam, by the Chairperson of the Regional Peace Initiative headed by President Benjamin Mkapa of the United Republic of Tanzania and, more generally, the efforts of States of the Regional Initiative chaired by President Yoweri Museveni of the Republic of Uganda and of the Facilitation led by Deputy President Jacob Zuma of the Republic of South Africa, as well as those made by the Special Representative of the Secretary-General, to bring the peace and national reconciliation process in Burundi to a successful conclusion. The Council reiterates that putting an end to the climate of impunity in Burundi and the Great Lakes region is essential to that process.

On 31 May [meeting 5939], the Security Council unanimously adopted resolution 1602(2005). The draft (S/2005/345) was prepared in consultations among Council members.

The Security Council,
Reaffirming its strong commitment to 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 fully honour 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 parties, including since the deployment of the United Nations Operation in Burundi on 1 June 2004,
Welcoming in particular the approval by the Burundian people of the post-transitional Constitution in the referendum of 28 February 2005,
Taking note with satisfaction of the declaration signed on 15 May 2005 in Dar es Salaam, United Republic of Tanzania, by the President of the Republic of Burundi, Mr. Domitien Ndayizeye, and by the leader of the rebel group Parti pour la libération du peuple hutu-Forces nationales de libération, Mr. Agathon Rwasa, and tak-
ing note in particular of the commitment by both parties to cease hostilities immediately, agree within a month on a permanent ceasefire, and negotiate without disturbing the electoral process.

Urging the international community to take advantage of these positive political developments to increase its assistance for social and economic development in Burundi,

Welcoming the imminent holding of elections as provided for in the Arusha Agreement, taking note with satisfaction of the electoral timetable confirmed at the last meeting of member States of the Regional Peace Initiative on Burundi, held in Entebbe, Uganda, on 22 April 2005, calling upon the transitional authorities strictly to adhere to this timetable for the holding of each poll, and urging all Burundian parties and candidates to ensure respect for the electoral code of conduct, refrain from any actions that may disrupt the process and accept the result of the elections,

Encouraging the Transitional Government to continue, with the cooperation of the United Nations Operation in Burundi, to enhance the participation of women in the political process,

Taking note of the progress achieved in the reform of the security sector, as well as in the disarmament and demobilization of former combatants, and stressing in this regard the need to implement without delay a national reintegration strategy in order to further consolidate peace and stability.

Paying tribute to the efforts of the member States of the Regional Peace Initiative on Burundi, especially Uganda and the United Republic of Tanzania, and the Facilitation of South Africa, to support the peace process in Burundi, and encouraging them to continue to assist 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, any threat of the use of force, as well as violations of human rights and international humanitarian law, and stressing the need for the Burundian authorities to ensure the safety of civilian populations, in particular with regard to women, children and other vulnerable persons,

Reiterating its strong condemnation of the Gatumba massacre of 13 August 2004, and its commitment that perpetrators of such crimes, as well as all persons responsible for violations of human rights and international humanitarian law, be brought to justice,

Considering that putting an end to the climate of impunity in Burundi, as well as in the Great Lakes of Africa as a whole, is essential for building lasting peace in the region,

Taking note with satisfaction of the report of the Secretary-General of 19 May 2005,

Noting that factors of instability remain in Burundi, 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 to extend the mandate of the United Nations Operation in Burundi until 1 December 2005;
2. Calls upon all Burundian parties to exert greater efforts to ensure the success of the transition, national reconciliation and the stability of the country in the longer term, in particular by refraining from any actions which may affect the cohesion of the Arusha Agreement process;
3. Looks forward to the recommendations to be made by the Secretary-General by 15 November 2005 on the role of the United Nations in supporting Burundi, including on the possible adjustment of the mandate and force strength of the United Nations Operation in Burundi, in accordance with progress made on the ground;
4. Also looks forward to the submission by the Secretary-General of his detailed proposal, as described in paragraphs 53 and 54 of his report, for the establishment of an international support mechanism during the post-transitional period in Burundi;
5. Requests the Secretary-General to continue to keep the Security Council informed in his reports on the situation in Burundi of actions taken in the fight against impunity;
6. Welcomes efforts undertaken by the United Nations Operation in Burundi to implement the Secretary-General’s zero-tolerance policy on sexual exploitation and abuse, and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel; and
7. Decides to remain actively seized of the matter.

Establishment of commission of inquiry

Report of assessment mission. In March (S/2005/158), the Secretary-General submitted the report of the assessment mission authorized by the Security Council in 2004 in response to Burundi’s request [YUN 2004, p. 142], with the objective of considering the advisability and feasibility of establishing an international judicial commission of inquiry in post-conflict Burundi, as provided for in the 2000 Arusha Agreement. The mission, which visited Burundi from 16 to 24 May, was led by Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs, and included representatives of the UN Department of Political Affairs (DPA), the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNHCR and the Office of the United Nations Security Coordinator (UNSECOORD). It held consultations with representatives of the Government and local authorities, political parties, religious leaders and civil society. It also visited courts and met with judicial authorities and members of the legal profession.

The report discussed the nature and added value of an international judicial commission of inquiry; the possibility of limiting the temporal competence of the commission to specific events or periods; the existing National Truth and Rec-
conciliation Commission and its relationship to the proposed international judicial commission of inquiry; the implications of “provisional immunity” and its scope and legal validity before the national and international commissions, and before Burundian national courts; and the implementation of the judicial reforms provided for in the Arusha Agreement and the capacity of the Burundian judicial system to bring to trial those responsible for the crimes of genocide, crimes against humanity and war crimes in an impartial, fair and effective manner.

The mission recommended the establishment of two accountability mechanisms: a non-judicial one in the form of a national truth commission of mixed composition, including both national and international members; and a judicial one in the form of a special chamber within Burundi’s court system. It recognized that the proposed mechanisms deviated from the letter, though not the spirit, of the Arusha Agreement; however, it was convinced that the establishment of the two mechanisms in parallel, as envisioned by the Agreement, would create the almost certain risk of overlapping jurisdictions, contradictory findings, wasted resources and, more importantly, marginalize the national truth and reconciliation commission.

The mission recommended that the proposed national truth commission be composed of five commissioners (three international and two national), with the mandate to establish the historical facts and determine the causes and nature of the conflict in Burundi, classify the crimes committed since independence in 1962 to the date of the signature in 2000 of the Arusha Agreement and identify those responsible. It would be carried out by an investigative unit responsible for investigating the crimes and identifying those responsible, and a research unit responsible for establishing the causes and facts of the conflict and the nature of the crimes committed in the different cycles of violence. The composition of the units would be mixed, with a substantial international component to include investigators, forensic experts, historians, political scientists and other experts, as appropriate. The commission would establish its main office in Bujumbura and a number of regional offices throughout the country.

In deciding to recommend a special chamber within the Burundi court system, the mission opted for a judicial accountability mechanism not only located in the country but forming part of that court system (a “court within a court”), with a view to strengthening the judicial sector in material and human resources and to leaving behind a legacy of trained judges, prosecutors, defence counsels and experienced court managers. The special chamber would have the competence to prosecute those bearing the greatest responsibility for the crime of genocide, crimes against humanity and war crimes committed in Burundi. Its temporal jurisdiction would be limited to specific phases of the conflict and would include, as a minimum, the events that occurred between 1972 and 1993. The special chamber would consist of a trial panel (or panels) of three judges and an appellate panel of five. The composition of the special chamber would be mixed, with a majority of international judges, an international prosecutor and a registrar.

The truth commission and the special chamber would be established as national law entities; as such, they would not be UN bodies and would not normally be financed through assessed contributions. In Burundi’s circumstances, however, the establishment of any accountability mechanism would have to rely entirely on international funding in the form of voluntary contributions, or partly through assessed contributions.

In his observations, the Secretary-General said that the establishment of the two accountability mechanisms should be placed within the context of the overall judicial reform and capacity-building in Burundi, and pursued in complementarity with other justice and rule of law initiatives. ONUB and OHCHR should engage, within their respective mandates under Council resolution 1545(2004) [YUN 2004, p. 145], in the establishment and operation of the international truth commission and in strengthening the capacity of Burundi’s judicial sector. The mission’s proposal was the first in a two-stage process of establishing judicial and non-judicial accountability mechanisms in Burundi. If acceptable, the Council should mandate the Secretary-General to engage in negotiations with Burundi on the proposal’s practical implementation. At the second stage and in parallel with the first, a broad-based, genuine and transparent consultation process should be conducted with a range of national actors and civil society at large to ensure that the general legal framework for the establishment of the mechanisms reflected the views and wishes of the people of Burundi and that the sense of national ownership was deep and genuine.

Security Council consideration. At its meeting on 15 June [meeting 5203], the Security Council was briefed by the Assistant Secretary-General for Legal Affairs, Ralph Zacklin, on the foregoing mission report, focusing his remarks on the recommended judicial and non-judicial mechanisms and placing them in their national and international contexts. He pointed out that the establishment of an international judicial
commission of inquiry, foreseen in the Arusha Agreement, had to be considered in the light of Burundi’s history of ethnic conflict, the events that had occurred since the conclusion of the Agreement in 2000 and the experience gained by the United Nations in promoting justice and the rule of law over the past 12 years. It should also be examined against the background of four international commissions of inquiry dispatched to Burundi between 1993 and 1995 [YUN 1993, p. 264; YUN 1994, p. 277; YUN 1995, pp. 540 & 546], three at the request of the Council.

For all their differences, the four commissions shared similar features: their subject matter and temporal jurisdiction were limited to the 1993 coup d’état in Burundi, the assassination of its President and the ensuing massacres. As the earlier 1972 massacre of Hutus was not within their mandate, a legal determination that the crime of genocide had been committed in Burundi was made only in respect of the 1993 massacres of Tutsis. While all four commissions recommended that to eradicate impunity those responsible should be brought to account, no action had been taken on the recommendation by any UN organ.

In connection with the legal basis for the establishment of the special chamber and the applicable law governing its operation, i.e., the Burundian law, with necessary modifications, the Assistant Secretary-General pointed out that, based on existing UN practice, in order for the United Nations to cooperate in the establishment of the special chamber, its founding instrument would have to exclude the death penalty from the sentencing framework and declare any amnesty given to genocide, crimes against humanity and war crimes invalid before the chamber. He said the expeditious establishment of the truth commission for Burundi would ensure that, by the time a special chamber was established, the results of the commission’s investigations could be shared with the prosecutor of the special chamber. He also stressed that whatever mode of financing was utilized for the mechanisms, it was important that the funding be viable and sustained to permit them to take root, fulfill their mandates, and create the desired legacy of truth, reconciliation and justice.

In its statement before the Council, Burundi supported the mission’s recommendations as meeting the dual concerns of the political negotiators of the Arusha Agreement and the people of Burundi to establish the truth and bring the guilty to justice and punish them. As the new version of the truth commission did not sufficiently highlight the aspect of reconciliation, Burundi requested that the Council give priority to that aspect in discussions on the commission. With respect to the judicial mechanism, Burundi pointed to the need to accelerate the ongoing reform of the judicial system to enable it to discharge its new mission. The final document on the judicial mechanism should clarify the relationship between the truth commission and the special chamber, and the Council should specify the financing modalities of the two mechanisms.

**SECURITY COUNCIL ACTION**


*The Security Council,*

*Reaffirming its 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”)*,

*Convinced* of the need, for the consolidation of peace and reconciliation in Burundi, to establish the truth, investigate the crimes, and identify and bring to justice those bearing the greatest responsibility for crimes of genocide, crimes against humanity and war crimes committed in Burundi since independence, to deter future crimes of this nature, and to put an end to the climate of impunity, in Burundi and in the region of the Great Lakes of Africa as a whole,

*Emphasizing* that appropriate international assistance to Burundi is needed to help the Burundian people to end impunity, promote reconciliation and establish a society and government under the rule of law,

*Having taken note of the letter dated 24 July 2002 from the then President of the Republic of Burundi, Pierre Buyoya, to the Secretary-General requesting the establishment of an international judicial commission of inquiry, as provided for in the Arusha Agreement,*

*Having taken note also of the report transmitted by the Secretary-General to the Security Council on 11 March 2005, following on the assessment mission he had dispatched to Burundi, from 16 to 24 May 2004, to consider the advisability and feasibility of establishing such a commission,*

*Having heard the opinion of the Transitional Government of Burundi, presented by its Minister of Justice, Didace Kiganahe, on 15 June 2005, on the recommendations contained in the report, which aim at the creation of a mixed truth commission and a special chamber within the court system of Burundi,*

*Acknowledging* the crucial importance of reconciliation for peace and national unity in Burundi, and sharing the view that a future truth commission should contribute to it,

1. *Requests* the Secretary-General to initiate negotiations with the Government and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Security Council by 30 September 2005 on details of implementation, including costs, structures and time frame;

2. *Decides* to remain seized of the matter.
The Secretary-General reported to the Security Council on 11 October [S/2005/644], as requested in resolution 1606(2005)(above), that a number of developments in Burundi had delayed the negotiations called for. Although the Transitional Government had appointed a commission in July to negotiate with the United Nations for the establishment of the truth commission and the special chamber within the court system of Burundi, negotiations could not take place owing to the activities involved in the electoral process and the subsequent inauguration of President Pierre Nkurunziza on 26 August, as well as the consequent disbandment of the commission established by the Transitional Government, with the installation of the new Government (below).

In meetings with ONUB in early September, President Nkurunziza and the new Minister of Justice expressed the Government’s support in principle for the establishment of the two accountability mechanisms; the truth commission was to be established before the special chamber. They indicated their intention to nominate a committee to liaise with the United Nations on the details of the proposed legal framework for the two mechanisms, but made clear that Burundi would not be ready to engage in substantive negotiations before 30 September.

In preparation for the negotiations, consultations among Secretariat departments and offices, and between the Secretariat and relevant NGOs, were held at UN Headquarters to coordinate their respective roles in elaborating the operational modalities of the mechanisms and, their interrelationship and sequencing. In parallel, OHCHR undertook a preparatory mission to Burundi (27 September–1 October) to discuss coordination of activities between it and ONUB in relation to the establishment of a truth commission, the initiation of an information campaign, the design of a national consultative process on the two mechanisms, and the organization of a national conference on transitional justice. On the basis of the preliminary results of the consultative process, the preparatory discussions with Burundi and its readiness to start the negotiating process, a UN mission would be dispatched to Burundi to negotiate the practical implementation of the legal framework and report in due course to the Council.

Elections

On 3 June, for the first time since the country’s independence in 1962, elections were held in Burundi for communal councillors. Some 80 per cent of the registered voters participated, and candidates were nominated by 35 political parties, as reported by the Secretary-General in September [S/2005/586]. CNDD-FDD (Nkurunziza) won 93 of the 129 communes, gaining 57.3 per cent of the national vote; FRODEBU took 23.3 per cent; UPRONA, 6.3 per cent; Leonard Nyangoma’s faction of CNDD (CNDD (Nyangoma)), 4.1 per cent; MRC, 2.1 per cent; and PARENA, 1.8 per cent. In general, the electoral campaign was conducted peacefully, except in Kayanza province, where tensions between FRODEBU and CNDD-FDD supporters resulted in several acts of violence. The communal elections were held without any serious disruption in 15 of Burundi’s 17 provinces, but violence in Bubanza and Bujumbura Rurale caused the early closure of 133 polling stations. With UN assistance, the elections in the affected communes were successfully concluded on 7 June.

Elections for the National Assembly were held as scheduled on 4 July, in a peaceful atmosphere, with the participation of some 77 per cent of the registered voters. CNDD-FDD (Nkurunziza) received 57.8 per cent of the national vote; FRODEBU, 21.6 per cent; UPRONA, 7.1 per cent; CNDD (Nyangoma), 4.9 per cent; and MRC, 2.1 per cent. Indirect Senate elections, in which ballots were cast by the 3,225 newly elected communal councillors, were held on 29 July. The Senate was composed of 41 members: one Hutu and one Tutsi representing each of the 17 provinces; three co-opted representatives from the Batwa community; and the four former Heads of State.

On 19 August, Pierre Nkurunziza, leader of CNDD-FDD, was elected President by a Joint Parliamentary Congress comprising members of the National Assembly and the Senate. On 26 August, the inauguration of Mr. Nkurunziza, the first democratically elected President in over a decade, marked the formal conclusion of the transitional process in Burundi. The final round of elections at the colline level was to be held on 23 September.

In his inaugural speech, President Nkurunziza signalled his intention to crack down on corruption, crime and lawlessness; fight the spread of HIV/AIDS; improve security; and promote economic growth. He promised free primary education for all children and urged all Burundians to help rebuild the country.

On 29 August, the National Assembly and the Senate confirmed President Nkurunziza’s nominees for first Vice-President and second Vice-President. On 30 August, the President nominated ministers for the 20-member Cabinet; its composition generally complied with the Constitution and with the power-sharing arrangements in the Government agreed upon in the Arusha Agreement, which envisaged a Government con-
sisting of 60 per cent Hutu, 40 per cent Tutsi and 30 per cent women representatives. Donors provided $22 million for the elections through the UNDP-managed trust fund.

Press statement of Secretary-General. By a press statement of 19 August [SG/SM/10055], the Secretary-General congratulated the Burundians on the election of their first post-transitional President. He wished the President-elect every success as he faced the challenging tasks ahead, including continuing the major reforms currently under way, the consolidation of peace, national reconciliation, reconstruction and development.

SECURITY COUNCIL ACTION

On 30 August [meeting 5252], following consultations among Security Council members the President made statement S/PRST/2005/41 on behalf of the Council:

The Security Council acknowledges the election of Mr. Pierre Nkurunziza as President of the Republic of Burundi, on 19 August 2005. This vote marks the welcome final step of the transitional process in Burundi. The conclusion of this transitional process represents an important milestone for the future of Burundi as well as the Great Lakes region as a whole.

The Council pays tribute to the spirit of peace and dialogue demonstrated by the Burundian people throughout the transitional period, and commends them for their encouraging participation in the electoral process. The Council calls upon all parties to respect the will of the Burundian people, the elected Government and the commitments agreed upon during the transitional process. It encourages the new authorities to continue on the course of stability and national reconciliation and to promote social concord. It reaffirms in this regard that it is essential to put an end to the climate of impunity.

The Council commends the critical contribution of the Regional Peace Initiative on Burundi, the African Union and the United Nations Operation in Burundi to the peace process. It calls upon all international partners of Burundi, including the States of the Regional Initiative and the main donors, to remain committed, and encourages them to agree with the Burundian authorities on the most appropriate framework to coordinate their support to reforms currently under way and to the consolidation of peace.

Communication. The AU Peace and Security Council, by a communiqué adopted at its thirty-seventh meeting (Addis Ababa, 8 September) [S/2005/580], welcomed the conclusion of the transitional period in Burundi, the successful conduct of the electoral process, the peaceful transfer of power to democratically elected institutions, the election of Mr. Nkurunziza as President and the establishment of new institutions based on the principles defined in the Burundian Constitution. It encouraged the Government to work resolutely towards consolidating the progress made and concluding the peace process, urged renewed efforts towards concluding a ceasefire agreement with Palipehutu-FNL, and appealed to all of Burundi’s partners to provide the requisite financial and socio-economic assistance for post-conflict reconstruction and development.

Further political developments

Report of Secretary-General (September). In his special report of 14 September [S/2005/586], the Secretary-General focused on the conclusion of the transitional process and the proposed international arrangements for providing support to the new Government.

At meetings held on 20 and 21 June and on 18 and 19 July, the Implementation Monitoring Committee reiterated its call for the Transitional Government to implement pending defence and security sector reforms, and called on the CENI to ensure the free and fair conduct of the elections, including strict adherence to the electoral calendar. On 8 and 9 August, the Committee held its final meeting in Bujumbura. It issued a statement drawing the attention of the new Government and the international community to several outstanding provisions of the Arusha Agreement and called on the Government expeditiously to complete the implementation of those relating to the repatriation of refugees and rehabilitation of civilians affected by conflict; the release of political prisoners; reconstruction and economic and social development; the reform of the defence and security sectors and of the justice system; and ending impunity.

The Transitional Government concluded the harmonization of all military and police ranks for both the demobilization of personnel and their reintegration into either the new National Defence Force or the national police. Integration of ex-combatants of armed groups into the National Defence Force was completed. In May, ONUB, in cooperation with international donors, finalized a plan for the comprehensive reform of the security sector. The plan was communicated to the Transitional Government, which welcomed the initiative, but noted that it should be further developed in coordination with the incoming Government.

By 15 August, 16,491 combatants of the former Armed Forces of Burundi and of the armed political parties/movements had entered the national demobilization process, including 2,909 children and 485 female combatants. Another 11,400 former soldiers were expected to be demobilized by December. The Ministry of De-
fence reaffirmed its commitment to continue demobilization until the National Defence Force was reduced to 30,000 personnel.

During the reporting period, the continuing military confrontations between the National Defence Force and FNL had severe consequences for the civilian population in Bujumbura and Bubanza provinces. FNL continued targeting civilians suspected of no longer supporting it or of supporting CNDD-FDD, some of whom were beheaded or otherwise mutilated. On 16 June, five civilians attending a religious service in Bujumbura Rurale were killed, and at least 10 others were wounded by grenades and gunfire. In Bujumbura and Bujumbura Rurale, ONUB documented an increase in summary executions of suspected FNL supporters, and several deaths resulting from torture and ill-treatment were reported; however, most detainees were released after questioning.

A total of 116,799 Burundians continued to live in 160 displacement sites nationwide, the majority in Kayanza, Ngozi, Kirundo, Muyinga and Gitega provinces. Furthermore, 26,077 Burundian refugees returned to Burundi between January and August, most to Makamba, Muyinga and Ruyigi provinces. UNHCR facilitated 25,030 returns.

The Secretary-General observed that, despite the progress achieved in consolidating peace, significant challenges remained. He underscored some of the key areas requiring sustained and enhanced international engagement and donor support: reconstruction, development, job creation, rehabilitation of the national health and education sectors, promotion of reconciliation, putting an end to impunity, conclusion of the security sector and judicial reform programmes and ensuring sound governance. He was encouraged by President Nkurunziza’s willingness to pursue negotiations with FNL and called on FNL to act without further delay and in good faith to reach a peaceful settlement with the Government.

**Burundi Partners’ Forum.** The Secretary-General, elaborating on his proposal for an international mechanism to support the new Government, stated that such a mechanism should support the reform processes under way, including those relating to the security sector, the judiciary and land ownership. It should address civilian disarmament issues and the management of large-scale refugee returns; ensure coordination among donors for reconstruction and development funding; support national efforts to consolidate peace through reconciliation; and assure the people of Burundi of the international community’s commitment to ensuring democratic, transparent and accountable governance. The forum, which would have a small secretariat, would be chaired by the Special Representative and include representatives of the Regional Peace Initiative, the international donor community, the AU and the United Nations. It would meet monthly and hold regular meetings with the Government. At a 13 September meeting of the Heads of State of Burundi and of the member States of the Regional Peace Initiative, the AU, donors and other international stakeholders, chaired jointly by the Secretary-General and the President of Uganda, agreement was reached in principle on the establishment of the proposed mechanism in the form of a partners’ forum, whose mandate and composition would be further elaborated in consultation with Burundi.

**SECURITY COUNCIL ACTION (September)**

On 22 September [meeting 5268], following consultations among Security Council members, the President made statement S/PRST/2005/43 on behalf of the Council:

The Security Council takes note of the special report of the Secretary-General of 14 September 2005 on the United Nations Operation in Burundi, in particular the proposal to establish a partners’ forum as an international support mechanism. The Council also takes note of the declaration adopted on 13 September 2005 in New York during the summit on Burundi, co-chaired by the Secretary-General and the President of the Republic of Uganda, in his capacity as Chairman of the Regional Peace Initiative on Burundi.

The Council welcomes the decision taken during the summit to establish a forum of Burundi’s partners and encourages the Special Representative of the Secretary-General for Burundi to conclude discussions with all concerned partners in order to establish the forum as soon as possible.

The forum should work with the Government of Burundi in consolidating peace and national reconciliation in Burundi, supporting reforms being undertaken by the Government and enhancing donor coordination, and should work in close coordination with the Peacebuilding Commission once it is operational.

The Council also reiterates its call upon the donor community to pursue bilateral and multilateral efforts to support the country.

Subsequently, ONUB convened an informal meeting (Bujumbura, 18 October), at which the Burundi Partners’ Forum was launched bringing together representatives of the AU, the Regional Peace Initiative, neighbouring countries, the United Nations and donors. In addition to holding regular meetings, the Forum would also hold...
periodic meetings with the participation of all interested international partners.

Security Council consideration. The Council heard briefings by the head of its mission to Central Africa on 15 November [meeting 5305] and on 6 December [meeting 5315]. In introducing the mission’s report at the December meeting, the head of the mission remarked that the transition in Burundi had been a success and that the peace and national reconciliation process had set a stunning example for the region. The United Nations, whose support had been crucial to that success, had to withdraw and make way for others. The problem of FNL’s non-participation in the peace process continued to pose a challenge; the mission hoped that, with the encouragement of Tanzania, FNL would return to the negotiating table without delay.

Situation at end of year

Report of Secretary-General (November). In response to Security Council resolution 1692 (2005) (see p. 204), the Secretary-General issued his fifth report on ONUB on 21 November [8/2005/728], updating major developments in the peace consolidation process and presenting his recommendations on the role of ONUB in supporting Burundi in its post-transition phase, including possible adjustments to the Operation’s mandate and force strength.

Elections at the colline level were held as scheduled on 23 September in a generally peaceful atmosphere, with a moderate voter turnout. Some 44,724 independent candidates competed for 14,560 colline administrator posts. ONUB provided technical and logistical assistance to CENI in organizing the elections and coordinated closely with the Government on the provision of security. Those elections completed the national electoral process.

The new Cabinet, meeting for the first time on 9 September, identified the following tentative priorities for the Government: restoring peace and democracy, completing security sector reform, combating corruption, improving living conditions, addressing security issues and promoting regional and diplomatic cooperation. Steps were taken to curb public expenditure, and accountability measures were introduced for government officials, including declaring their financial assets.

On 29 October, the newly elected President of FRODEBU, Léonce Ngendakumana, announced that his party was considering withdrawing from the Government unless the decision-making process became more inclusive. On 4 November, the FRODEBU parliamentary group issued a statement expressing concern over the arbitrary arrests of some of its members accused of belonging to FNL. In a 30 October statement, CNDD (Nyangoma) also expressed concern over continuing insecurity in the country, including incidents of arbitrary arrests, torture and human rights violations, despite the new Government’s promises for a tangible improvement in the human rights situation.

On 10 September, contrary to its previous position, FNL indicated that it would negotiate with the Government but only with the involvement of the international community. On 14 September, it announced the formation of an 80-member delegation to participate in negotiations, but with the precondition that violations of the 15 May agreement on the cessation of hostilities (see p. 203) be investigated. On 8 October, elements claiming to be from FNL and headed by Jean-Bosco Sindayigaya, a former deputy to FNL leader Agathon Rwasa, proclaimed that the leadership of FNL had been suspended and that the new faction was prepared to negotiate with the Government. The situation regarding the FNL leadership remained unclear. On 6 October, the Government announced that, unless FNL agreed to enter into negotiations before 31 October, it would take measures to bring it to the negotiating table, willingly or by force. It also announced on 29 October that measures would be taken to curb FNL activities. At the request of the Regional Peace Initiative, the United Republic of Tanzania continued its efforts to facilitate talks between the Government and FNL.

Meanwhile, the Tripartite Plus Joint Commission held a meeting (New York, 16 September) at which the members agreed to continue military and diplomatic pressure on all militias operating in their territories to ensure the disarmament and repartition or reintegration of those militias, and to impose sanctions on them if they refused to disarm voluntarily before 30 September. At a further meeting (Kampala, Uganda, 21 October), the Commission agreed to take measures against the armed groups, including FNL, that were operating in the eastern DRC and neighbouring countries. The measures would include prosecution and extradition of the groups’ leaders, the imposition of travel bans and financial restrictions against them, and their possible designation as terrorist groups.

While the security situation in most areas of the country remained generally stable, attacks by FNL and clashes between it and the National Defence Force increased in the western provinces. As a result, the population, particularly in Bujumbura Rural and Bubanza provinces, continued to suffer from violence and intimidation.

Multidisciplinary assessment mission. A multidisciplinary UN assessment mission, led by DPKO...
and comprising representatives of DPA, the Department of Safety and Security, the Office for the Coordination of Humanitarian Affairs, UNDP, the United Nations Development Group, OHCHR, UNHCR and the World Bank, visited Burundi from 16 to 23 October. The mission met with a wide cross-section of Burundian and international stakeholders and evaluated the security situation on the ground, the overall peace consolidation and national recovery process, and the UN role in the post-transition phase.

The mission examined key security challenges that needed to be addressed urgently for the restoration of stability in Burundi: bringing FNL into the peace process; building the capacity of the security sector, namely, the National Defence Force and the national police; completing the disarmament and demobilization process and reintegrating former combatants; reintegrating refugees and internally displaced persons; and resolving regional issues. Other challenges to be addressed effectively to ensure the consolidation of durable peace included: promoting democracy and good governance and strengthening State administration; strengthening the rule of law; fostering respect for human rights; transitional justice through the establishment of a national truth commission and a special chamber within Burundi’s court system (see p. 206); and developing strategies for poverty reduction and humanitarian relief, promoting economic recovery and development, resolving disputes over land and property rights, and developing action plans for clearing mines and other explosive remnants of war.

The mission found that some progress had been achieved towards reforming the security sector. Success of the reintegration process was evidenced by a National Defence Force that currently comprised some 33,000 military personnel, which would be further reduced to 25,000 by December 2007, as it was important that the force be reduced to a size that was financially sustainable. Some 20,000 officers had been integrated into the national police force, of whom 1,012 were women. As to the disarmament and demobilization programme, by 16 October, 17,439 combatants of the former Armed Forces of Burundi and members of the armed political parties/movements had been demobilized, including 3,007 children and 482 women. By 10 October the Government had disarmed and paid allowances to 2,849 members of the gardiens de la paix and to 1,704 militants combatants; nonetheless, the process had been repeatedly interrupted owing to problems concerning the accuracy of lists of the gardiens, and was again suspended in mid-October. Despite the establishment (by the Transitional Government in April) of a National Commission for Civilian Disarmament to address the problem of the large number of small arms in the hands of the civilian population, little progress had been achieved.

Refugee returns rose to over 18,000 in October, bringing the total number of returnees to more than 60,000. With UNHCR assistance, 281,731 Burundian refugees returned from the United Republic of Tanzania; some 426,321 more remained in the DRC, Rwanda and Tanzania. The number of internally displaced persons decreased from 145,000 in 2004 to 117,000 in 2005.

**Drawdown of ONUB military component.** In discussions with the assessment mission, the Government was of the view that, since security had been restored in most areas of the country, international support, including UN support, should focus on institutional capacity-building and on recovery, reconstruction and development. It therefore favoured an early withdrawal of the ONUB military component, while acknowledging the important role that it could continue to play in other critical areas. A joint Government-ONUB technical working group held extensive consultations (Bujumbura, 4-14 November) to consider the nature of ONUB support in the next phase. The Government indicated its strong preference for an early disengagement of ONUB’s military and police and that its other areas of responsibility should be progressively assumed by the UN country team and other international partners during 2006. It further indicated the readiness of the National Defence Force and the national police to address security challenges, and to assume as soon as possible all security responsibilities currently undertaken by ONUB in the 14 provinces where security had generally been restored.

It was proposed that the ONUB military component could begin drawing down in December, starting with one national contingent. The phased withdrawal of two battalions, a level II hospital and an aviation unit from the provinces of Kirundo, Ngozi, Cankuzo, Ruyigi, Rutana, Makamba, Gitega, Karuzi and Muyinga could be completed from April to June 2006. During that period, troops could also be withdrawn or redeployed from Mwaro, Muramvya and Bururi. The result would be a reduction of approximately 2,000 personnel, or 40 per cent of ONUB’s current authorized military strength. The number of military observers deployed throughout the country would also be reduced from the current authorized strength of 200 to 120 by the end of April 2006. The balance of the ONUB force would remain temporarily deployed in the three border provinces of Bujumbura Rurale (including Bujumbura city), Bubanza and Cibitoké, where FNL remained active and would continue to mon-
against the FNL leaders who continued to obstruct efforts to bring FNL to the negotiating table and the FNL leaders to seize the opportunity to continue its efforts to engage in talks with FNL, and urged Burundi to adopt a common approach to resolving the armed conflict with FNL and urged Burundi to continue its efforts to engage in talks with FNL, and the FNL leaders to seize the opportunity to join the peace process. He suggested that, if efforts to bring FNL to the negotiating table failed, the Security Council and the region might wish to consider the use of targeted measures against the FNL leaders who continued to obstruct a peaceful solution.

The Secretary-General encouraged Burundi to identify as a matter of urgency the priority areas in which assistance was needed to support the National Defence Force and the national police, and donors to give expeditious, positive consideration to helping meet the shortfalls, especially of equipment, logistics, housing, transport and training. The United Nations stood ready to assist the Government in establishing the truth and reconciliation commission and special chambers and to help ensure that they functioned effectively. The Secretary-General urged the Government to address as a priority the increasing human rights violations in the country and ensure that perpetrators were brought to justice.

The Secretary-General did not believe that ONUB should be maintained for longer than needed. However, in view of the major outstanding challenges, combined with a general lack of resources to address them, he cautioned the Security Council against a hasty or premature international disengagement. He appealed to the regional and international stakeholders, as well as international donors, to remain committed to Burundi in the next critical phase in that country, including by increasing bilateral and multilateral assistance. Taking into consideration the proposed adjustment in the military strength of ONUB, the Secretary-General recommended that its mandate be extended for a further six-month period, until 31 May 2006.

Burundian position. On 23 November [S/2005/736], Burundi transmitted its report to the Security Council on the conclusions of the talks between its Government and ONUB, following the UN assessment mission in October on the evolution of the ONUB mandate (see p. 211). The report outlined the modalities for the gradual withdrawal of ONUB forces as described in the Secretary-General’s report (see p. 211) and the agreed areas of cooperation between ONUB and Burundi, as follows: monitoring Burundi’s borders with the DRC, including Lake Tanganyika; support for the completion of the disarmament, demobilization and reintegration process and security sector reform; support for the protection of human rights; support for transitional justice in the context of the establishment of the truth and reconciliation commission and the special chamber (see p. 206); protection of ONUB personnel and equipment; demining; and support for the World Food Programme (WFP) and UNHCR humanitarian operations. The report noted that Burundi would continue to cooperate with ONUB by working with the teams that were not part of the first withdrawal in the areas and within the limits of what was agreed. In March 2006, Burundi and ONUB would assess the situation on the ground and progress made in the agreed areas of cooperation.

Security Council consideration. During the 30 November meeting [meeting 531] of the Security Council to discuss the reports of the Secretary-General and Burundi, the Foreign Minister of Burundi stated that the country, strengthened by its achievements, was working to address the challenges of reconstruction and development. There was peace throughout most of the country,
with the exception of a few pockets in Bujumbura Rurale, Cibitoke and Bubanza, where the crime rate remained high and atrocities were sometimes perpetrated by members of Palipehutu-FNL. The National Defence Force and the national police were working hard to put an end to such actions with encouraging results: in November, 707 FNL members left the movement and surrendered to Burundian authorities; many of them had rejoined their families. Burundi was emerging from a long period of economic stagnation and a sense of confidence had returned. The last few months had seen a significant increase in tax yield due to the strict collection of duties and taxes. The Foreign Minister stressed, however, the urgent need to strengthen financially multilateral agencies, including UN agencies, to enable them to shift from humanitarian to development support of post-conflict Burundi.

SECURITY COUNCIL ACTION (November)


The Security Council,
Recalling its relevant resolutions on Burundi, and in particular resolution 1545(2004) of 21 May 2004,
Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi, and recalling the importance of the principles of good-neighbourliness, non-interference and cooperation in the relations among States in the region,
Noting that factors of instability remain in Burundi, which continue 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 mandate of the United Nations Operation in Burundi until 15 January 2006;
2. Decides also to remain actively seized of the matter.

Also on 30 November, the Council President in a press statement [SC/8567], said that the extension of the ONUB mandate to 15 January 2006 was of a technical nature to allow time for discussion on the future of the Operation. By the statement, Council members encouraged the new Burundian authorities to continue on the course of stability and national reconciliation and to promote social concord in the country. They reiterated their support for ONUB, which, together with the Burundi Partners’ Forum, continued to have an important role to play in support of the Government’s efforts towards the consolidation of peace. The Council would review ONUB’s mandate, taking into account developments in Burundi and the region, and the numerous remaining challenges. They recognized the importance of a gradual disengagement of ONUB and encouraged the Burundian authorities and ONUB to consult closely on the matter. Council members again called on Palipehutu-FNL to join the peace process without further delay or conditions, and welcomed the willingness shown by the Government to achieve a peaceful solution.

SECURITY COUNCIL ACTION (December)


The Security Council,
Recalling its resolutions and the statements by its President on Burundi, and in particular resolution 1545(2004) of 21 May 2004,
Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi, and recalling the importance of the principles of good-neighbourliness, non-interference and cooperation in the relations among States in the region,
Congratulating the people of Burundi for the successful conclusion of the transitional period and the peaceful transfer of authority to representative and democratically elected government and institutions,
Expressing its gratitude to the States of the Regional Peace Initiative on Burundi, the African Union and the United Nations Operation in Burundi for their significant contribution to the success of the political transition,
Encouraging the new authorities and all Burundian political actors to continue on the course of stability and national reconciliation and to promote social concord in their country, while recognizing that numerous challenges remain to be addressed,
Stressing the need to put in place the reforms provided for in the Arusha Peace and Reconciliation Agreement for Burundi, signed on 28 August 2000,
Encouraging in particular the Burundian authorities to continue to work with the Special Representative of the Secretary-General for Burundi, including on the establishment of the mixed truth commission and the special chamber within the court system of Burundi referred to in resolution 1606(2005) of 20 June 2005,
Reiterating its support for the United Nations Operation in Burundi, which continues to have an important role to play in support of the efforts of the Government of Burundi towards the consolidation of peace.
Recognizing the important role of the Partners’ Forum established during the summit on Burundi, held in New York on 13 September 2005, in the consolidation of peace and reconciliation in Burundi and in supporting reform being undertaken by the Government,
Encouraging the Government to work with its international partners, in particular with a view to mobilizing assistance for the reconstruction of the country,
Taking note of the position of the Government on the evolution of the mandate of the United Nations Operation in Burundi, as recorded in the letter dated 23 November 2005 from the Chargé d’affaires a.i. of the Permanent Mission of Burundi to the United Nations addressed to the President of the Security Council and as presented to the Council on 30 November 2005 by
Mrs. Antoinette Batoumba, Minister for Foreign Affairs and International Cooperation of Burundi,

Taking note also of the report of the Security Council mission which visited the region of Central Africa from 4 to 11 November 2005, and endorsing the recommendations contained therein,

Expressing its serious concern at the continuation of hostilities by the Parti pour la libération du peuple hutu-Forces nationales de libération, and at the threat it poses to civilians,

Noting that, although there has been an improvement in the security situation since the completion of the transitional period, factors of instability remain in Burundi and in the Great Lakes region of Africa, which continue to constitute a threat to international peace and security in the region,

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

1. Takes note of the fifth report of the Secretary-General on the United Nations Operation in Burundi, of 21 November 2005, and in particular of the recommendations contained in paragraphs 57 to 60 thereof;

2. Decides to extend the mandate of the United Nations Operation in Burundi until 1 July 2006;

3. Welcomes the readiness expressed by the Secretary-General to continue to consult closely with the Government of Burundi, with a view to determining, on the basis of the recommendations referred to in the letter dated 23 November 2005 from the Chargé d’affaires a.i. of the Permanent Mission of Burundi to the United Nations addressed to the President of the Security Council, the modalities for implementing a gradual disengagement of the United Nations peacekeeping presence and an adjustment to its mandate, taking into account all the circumstances, as well as the merits of a United Nations contribution and support to the consolidation of peace in Burundi;

4. Looks forward to receiving the report of the Secretary-General on the joint assessment mentioned in paragraph 60 of his fifth report on the United Nations Operation in Burundi, by 15 March 2006;

5. Authorizes, subject to the following conditions, the temporary redeployment of military and civilian police personnel between the United Nations Operation in Burundi and the United Nations Organization Mission in the Democratic Republic of the Congo, taking into account the need to ensure effective performance of the current mandates of those missions, and requests in this regard the Secretary-General to begin consultations with the countries contributing military and civilian police personnel to those missions:

(a) The Secretary-General shall receive the prior agreement of the countries contributing military and civilian police personnel and of the Governments concerned;

(b) He shall inform the Council in advance of his intention to proceed with such a redeployment, and in particular of its proposed scope and duration;

(c) Any such redeployment shall require a corresponding prior decision of the Council;

6. Underlines the fact that any personnel redeployed in accordance with paragraph 5 above shall continue to be counted against the authorized ceiling on military and civilian police personnel of the mission from which they are being transferred, and that any such transfer shall not have the effect of extending the deployment of personnel after the expiration of the mandate of their original mission, unless the Council decides otherwise;

7. Urges the Government to complete the implementation of the programme of disarmament, demobilization and reintegration, including the effective reintegration of former combatants;

8. Welcomes the willingness shown by the Government to achieve a peaceful solution with the Parti pour la libération du peuple hutu-Forces nationales de libération, and reiterates its call upon this movement to consider appropriate measures that might be taken against those individuals who threaten this process;

9. Expresses its deep concern at the violations of human rights reported by the Secretary-General, and urges the Government and other parties concerned to take the necessary steps to prevent further violations and to ensure that those responsible for such violations are brought to justice without delay;

10. Urges the international partners for the development of Burundi, including the United Nations bodies concerned, to continue to provide their support for the reconstruction of the country, particularly through an active participation in the donors conference to be organized in early 2006;

11. Decides to remain actively seized of the matter.

Further report of Secretary-General. Reporting on developments in Burundi during November and December [S/2006/163], the Secretary-General noted that Parliament adopted nine out of 37 draft laws presented to it during its first session, which ended in December. It also approved the national budget for 2006, totalling $417 million. The budget was linked to the poverty reduction strategy and envisaged an increase in funding for health, education, public investment and wages, and a slight reduction in the allocation for the security sector.

The President announced the Government’s 2006 priorities, which included economic recovery, reconstruction, reconciliation, governance, trade, education and environmental protection. He reiterated his commitment to resolving the issues of prison overcrowding and political prisoners, and to combating corruption and mismanagement. He pledged to strengthen the capacity of the security sector, reorganize judicial institutions, disarm civilians, and reintegrate returnees and former combatants. Taxes on basic food items were reduced. Membership of the Burundi Partners’ Forum was expanded to include all international representatives accredited to Burundi. In addition, a National Committee for Aid Coordination was established in December.

Following the appointment of a commission to identify political prisoners, the President announced in December the conditional release of all prisoners detained for more than two years without charge and those who had served at least
December, respectively, bringing the total number of refugee returns to 68,000 during 2005. Council resolution 1650(2005) (see p. 214), ONUB force in December. As requested by Security Council, the drawdown of 40 per cent of its military personnel, in particular following the criteria on which the releases were based. The lack of preparation of the communities to which released detainees would return also raised concerns. The Government had since launched a sensitization campaign to explain its decision on political prisoners and to promote reconciliation in their communities.

In December, ONUB destroyed unserviceable ammunition collected through the disarmament process during a public ceremony organized by the Government and ONUB. With World Bank support, 90 per cent of former combatants received reinsertion allowances for the first 18 months following their demobilization. However, the delivery of longer-term economic reinsertion assistance, including micro-projects, vocational training and apprenticeships had been seriously delayed. As at December, a total of 5,295 former combatants were receiving reinsertion assistance, over half of them under the national programme. Meanwhile, in November, the National Defence Force began basic training on core military duties at the company level.

With regard to the return and reinsertion of refugees and displaced persons, UNHCR facilitated 5,409 and 1,250 returns in November and December, respectively, bringing the total number of refugee returns to 68,000 during 2005.

At the request of the Government, ONUB began the drawdown of 40 per cent of its military force in December. As requested by Security Council resolution 1650(2005) (see p. 214), ONUB consulted with the Burundian authorities to determine the modalities for implementing the withdrawal of ONUB, on the basis of the recommendations made by Burundi in its 23 November report (see p. 213).

(For action by the Economic and Social Council on the reports of its Ad Hoc Advisory Group on the humanitarian and economic needs of Burundi, see p. 1008.)

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 2005 World Summit Outcome, particularly its recognition that all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential,

Recalling also its resolution 59/137 of 10 December 2004, in which it requested the Secretary-General to encourage relevant agencies, funds and programmes of the United Nations system to continue to work with the Government of Rwanda to develop and implement programmes aimed at supporting vulnerable groups that continue to suffer from the effects of the 1994 genocide,

Recalling further 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 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 also 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,

Recognizing the numerous difficulties faced by survivors of the 1994 genocide in Rwanda, particularly the orphans, widows and victims of sexual violence, who are poorer and more vulnerable as a result of the genocide, especially the many victims of sexual violence who have contracted HIV and have since either died or become seriously ill with AIDS,

Firmly convinced of the necessity to restore the dignity of the survivors of the 1994 genocide in Rwanda, which would help to promote reconciliation and healing in Rwanda,

Commending 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 implement resolution 59/137 expeditiously;

2. Encourages all Member States to provide assistance to genocide survivors and other vulnerable groups in Rwanda in support of the present resolution;

3. 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;

4. Urges Member States to develop educational programmes that will inculcate future generations with

Rwanda

Assistance to survivors of 1994 genocide

On 23 December [meeting 9], the General Assembly adopted resolution 60/225 [draft: A/60/L.34 & Add.1] without vote [agenda item 75 (a)].
the lessons of the genocide in Rwanda in order to help prevent future acts of genocide;
5. Requests the Secretary-General to establish a programme of outreach entitled "The Rwanda Genocide and the United Nations" as well as measures to mobilize civil society for Rwanda genocide victim remembrance and education, in order to help to prevent future acts of genocide, and to report to the General Assembly on the establishment of the programme within six months from the date of the adoption of the present resolution;
6. Also 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 sixty-second session;
7. Requests the General Committee to consider including in the provisional agenda of the General Assembly at its sixty-second session an additional item entitled "Assistance to survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence".

Arms embargo
On 7 February [S/2005/76], 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 2004. In the absence of a specific monitoring mechanism to ensure implementation of the arms embargo, the Committee recalled its previous observation [YUN 2004, p. 160] that it relied solely on the cooperation of States and organizations in a position to provide information on violations of the embargo. During the reporting period, no violations were brought to the Committee's attention.

Central African Republic
The United Nations Peacebuilding Office in the Central African Republic (BONUCA) had continued since 2000 to support the efforts of the Government to return the country to stability and achieve reconciliation and reconstruction, following the 2003 coup d'état. With the assistance of BONUCA and the international community, the first and second rounds of legislative and presidential elections were held successfully in March and May, and, in June, General François Bozizé, President of the Transitional Government, was confirmed President and Head of State of the Central African Republic, marking a return to constitutional order. As it assumed office, the new Government confronted several continuing major challenges, including insecurity in the north and west of the country due to the presence of armed groups, the human rights situation, and economic fragility. A Committee of Foreign Partners, including BONUCA, was established to monitor developments in the political, security and human rights situation and in respect of democracy in the country.

In November, the Secretary-General, with the agreement of the Security Council, extended BONUCA's mandate for an additional year, until 31 December 2006, to help the country build on the success of its recent elections. At the same time, he raised the rank of the Representative of the Secretary-General in the Central African Republic to that of Special Representative.

BONUCA mandate
On 30 November [S/2005/758], the Secretary-General informed the Security Council that the Central African authorities had advised his Representative that they wanted BONUCA, established by Security Council presidential statement S/PRST/2000/5 [YUN 2000, p. 162], to continue to assist them in building lasting peace. Since prospects for lasting stability in the Central African Republic were more encouraging than ever, the Secretary-General recommended that BONUCA's mandate be extended until 31 December 2006, to enable it to help the country build on the success of its recent elections. Support from BONUCA, particularly with regard to strengthening political dialogue and promoting the rule of law, would help create a climate conducive to reconstruction and development.

The Central African authorities, together with neighbouring countries, had also requested BONUCA and the Representative to serve as facilitators in their search for a common solution to security threats caused by the upsurge of banditry and the proliferation of weapons in the sub-region. In view of those additional responsibilities and recent encouraging developments, the Secretary-General intended to raise the rank of his Representative in the Central African Republic to that of Special Representative, at the Assistant Secretary-General level.

The Council, on 2 December [S/2005/791], took note of the Secretary-General's recommendation and intention.

Political and security developments
The Security Council President, in a 6 January press statement [SC/8283], said that the Representative of the Secretary-General in the Central African Republic, General Lamine Cissé, had briefed the Council on the situation in Central Africa and on BONUCA activities. The Council reiterated its full support of the Representative's action in the country and noted the progress
made by Central Africans in the transitional process towards the restoration of constitutional legality and the rule of law. The Council encouraged the country’s international partners to continue to support that process, particularly by funding the forthcoming elections. It noted the difficulties arising from the recent ruling by the Transitional Constitutional Court to exclude certain candidates from the presidential elections, but were encouraged by the decision of the Head of State, General François Bozizé, to accept three of those’s suspension of the Central African Republic, which marked the country’s return to constitutional rule. In the light of that development, the Peace and Security Council decided to lift the 2003 suspension of the Central African Republic from the activities of AU policy organs, imposed by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution [YUN 2003, p. 158], following the 2003 coup d’état [ibid., p. 156].

Elections

The Secretary-General reported in June [S/2005/414] that the first and second rounds of presidential and legislative elections in the Central African Republic were held on 13 March and 8 May, respectively. Apart from some organizational problems and cases of attempted or actual electoral fraud, the elections took place in an atmosphere of calm. Of the 11 candidates in the first round of the presidential elections, two advanced to the second round: Head of State General Bozizé and former Prime Minister Martin Ziguélé. Of the 909 candidates, including 135 women, running in the legislative elections, 18 advanced to the second round: members welcomed the assistance that international partners continued to provide to the country, in particular for the electoral process. They unanimously welcomed the fact that the first round of elections was held with respect for democratic values, and noted with satisfaction that Central Africans demonstrated responsibility on that occasion.

The AU Peace and Security Council, by a communiqué adopted at its thirty-third meeting (Addis Ababa, Ethiopia, 24 June) [S/2005/429], welcomed the positive evolution of the situation in the Central African Republic, in particular the holding of legislative and presidential elections, which marked the country’s return to constitutional rule. In the light of that development, the Peace and Security Council decided to lift the 2003 suspension of the Central African Republic from the activities of AU policy organs, imposed by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution [YUN 2003, p. 158], following the 2003 coup d’état [ibid., p. 156].

Reports of Secretary-General


Of concern was the security situation, particularly in the capital, Bangui, and in the northern areas of the country. Some areas experienced renewed attacks by armed gangs operating as roadblockers, mostly targeting livestock breeders, commercial transport operators or diamond collectors. The attacks displaced about 800 people who had left for the country’s major town-S/2003/414], following the 2003 coup d’état [ibid., p. 156].
ships and neighbouring Cameroon and Chad. The authorities were concerned that the gangs might be used to destabilize the new Government and its defence and security forces. Despite those threats, the restructuring of the armed forces continued, with France providing support for the training of three battalions. The BONUCA military team also worked with UNDP in the implementation of a project for the reintegration of former combatants, alongside the National Disarmament, Demobilization and Reintegration Commission. The Civilian Police Section of BONUCA continued to monitor the security situation in the capital and in the hinterland, and trained a total of 110 policemen and 286 gendarmes.

With the return to constitutional order and the expected resumption of cooperation between the country and its major donor partners, economic growth was expected to resume in most sectors in 2005, although overall economic activity was fragile. National public finances remained in deep crisis owing to the lack of good governance, the narrowness of the tax base and paucity of revenue. The country was increasingly dependent on budget support from its bilateral and multilateral partners, including France, China, the EU and the Central African Economic and Monetary Community (CEMAC), for its basic needs. It would not be able to meet its 2005 payment obligations without immediate additional budgetary support.

The humanitarian situation continued to deteriorate, from a situation of extreme poverty to a humanitarian emergency, especially in Ouham, Ouham-Pendé, Nana-Grèbizi and Kémo prefectures, where resumption of normal activities was impeded by insecurity. In close cooperation with international NGOs and with additional funding from Norway, Sweden and the World Bank, the country team pursued activities to improve access to social services as a matter of urgency and enhance protection of the most vulnerable segments of the population. Other initiatives were launched to improve access to health services, boost school enrolment and revitalize agricultural production.

Serious human rights violations continued during the first half of 2005 in Bangui and in the hinterland, including torture and cruel, inhuman and degrading treatment, rape, kidnapping and forced disappearances for ransom, and summary executions. Harassment, threats, intimidation and cases of abuse of authority by law enforcement agencies were also noted during the electoral campaign.

The Secretary-General congratulated the international partners that provided financial and/or technical support to CEMI during the electoral process. With the emergency situation ended, the electoral process completed and new institutions in place, the Central African Republic had the tools to embark on the path to peace, reconstruction and sustainable development. The Secretary-General encouraged the new authorities to do everything possible to ensure respect for human rights. He appealed to the goodwill and generosity of the country’s partners to provide considerable and immediate financial assistance to the economic reconstruction effort.

SECURITY COUNCIL ACTION

On 22 July [meeting 5232], following consultations among Security Council members, the President made statement S/PRST/2005/35 on behalf of the Council:

The Council calls upon international donors and/or technical support to CEMI during the electoral process. With the emergency situation ended, the electoral process completed and new institutions in place, the Central African Republic had the tools to embark on the path to peace, reconstruction and sustainable development. The Secretary-General encouraged the new authorities to do everything possible to ensure respect for human rights. He appealed to the goodwill and generosity of the country’s partners to provide considerable and immediate financial assistance to the economic reconstruction effort.

The Council welcomes the decision of the States of the Central African Economic and Monetary Community to extend the mandate of the Force.

The Council invites the Government of the Central African Republic, and all the political and social forces, to consolidate the national dialogue and to ensure national reconciliation with a view to achieving sustainable development in their country.

The Council calls upon international donors and the international financial institutions to continue to assist the Central African Republic generously. It emphasizes that their support will be indispensable for the country’s economic and social recovery, and encourages them to formulate, in close consultation with the United Nations system and the Govern-
ment of the Central African Republic, a concerted development strategy.

The Council requests the Secretary-General to explore, in close consultation with the authorities of the Central African Republic and the country’s development partners, the possibility of setting up a follow-up committee or enlarging the Committee of Foreign Partners to Follow Up on the Electoral Process in order to support the reconstruction efforts initiated by the Central Africans. It invites the Secretary-General to report to it on his consultations, through his Representative in the Central African Republic, no later than 31 October 2005.

The Council expresses its concern at the insecurity reigning in the north and the west of the country owing to the presence of armed groups in these regions, and invites relevant States to consult with sub-regional and regional organizations and with the United Nations Peacebuilding Support Office in the Central African Republic on the action required to respond collectively to the threat posed by these armed groups to the stability of the Central African Republic and certain countries of the subregion.

The Council expresses also its deep concern at the continued deterioration of the humanitarian situation in the Central African Republic, in particular in the north of the country. It calls upon the international community to contribute generously to meet the humanitarian needs of the Central African Republic.

**Report of Secretary-General (October).** In response to the foregoing presidential statement, the Secretary-General, in his October report [S/2005/679], highlighted the results of his consultations with foreign partners and the Central African Republic on either setting up a follow-up committee, or enlarging the Committee of Foreign Partners to Follow Up on the Electoral Process, to support Central Africa’s reconstruction efforts.

The Secretary-General said that the poverty reduction strategy paper for the country, once finalized, would become the framework for action, programming and reference for partners, under government coordination and with UN system support. The framework plan, based on the priorities determined with the Central African authorities, focused on democratic governance, resumption of post-conflict programmes, and the fight against HIV/AIDS. The plan was revised by BONUCA, UN agencies and the Government in the light of the new priorities determined by the Government, as contained in the general policy paper presented to the National Assembly by the Prime Minister on 8 August. Short-term (2005-2006) priorities included: streamlining of public finances by improving the collection of receivables; resolving the external debt servicing problem through the early conclusion of an appropriate programme with the International Monetary Fund; introducing a transparent management and good governance mechanism; limiting the number of civil servants and State officials to control the wage bill; improving the management and functioning of public financial administrations through foreign technical assistance; providing security throughout the national territory by strengthening the defence and security forces; and expanding private sector development by improving the existing legal, judicial and regulatory framework. Medium-term (2007-2010) priorities included rehabilitating the basic infrastructure, particularly transport, energy and water supply; modernizing the telecommunication sector and its spatial and territorial expansion; modernizing the agricultural sector; increasing the exploitation of mineral and forestry resources; and promoting a policy of national unity based on tolerance, a culture of peace, dialogue and justice. The new Government was receiving assistance from its foreign partners and the UN system for the implementation of these priority actions.

At the political level, BONUCA would mediate and strengthen the dialogue between the political actors, and support the Government’s efforts in promoting national unity and reconciliation. It would continue to provide technical assistance to strengthen the capacity of the defence and security forces and support efforts to restructure the army and eradicate the problem of cross-border insecurity, in keeping with the proposals made at the high-level tripartite meeting on that issue (Yaoundé, Cameroon, 25-26 August) by Cameroon, the Central African Republic and Chad. The recommendations adopted at that meeting provided, at the bilateral and trilateral levels, for increased exchanges of security intelligence and information, aerial border surveillance, reactivation of mixed commissions, increased contacts between civilian and military border authorities, joint operations and evaluation of the security situation. At a quadrupartite meeting of BONUCA, Cameroon, the Central African Republic and Chad, organized by UNHCR (Geneva, 6 October), the three countries agreed to intensify security measures along their common borders and to launch large-scale humanitarian programmes without regard for their national borders, in order to facilitate the settlement of their populations and adoption of a special integrated development plan for the region. BONUCA would facilitate cooperation among those countries in order to eliminate permanently cross-border insecurity created by armed groups and those who set up roadblocks. It would continue to monitor security along the common borders of the three countries, and also the border between the Sudan and the DRC, in order
to prevent serious conflict or humanitarian crises from spilling over from one country to the other.

BONUCA would provide greater support for the Government’s efforts to promote and protect human rights and assist in implementing its commitment to restore the rule of law and respect its international obligations. As to reconstruction and economic governance and recovery, the UN system would support efforts to inform and mobilize donors and friends of the Central African Republic, with a view to securing technical and financial support. In the area of finance, the country’s partners would help the Government to modernize public financial administrations; improve the monitoring and control of company taxes; introduce an economic and financial good governance charter that officials would be required to sign upon assuming office; and promote greater public awareness of public property. In the social and humanitarian fields, the UN system would focus on upgrading health services, improving access to potable water, raising school attendance and promoting subsistence farming.

Following consultations and exchanges among BONUCA, the country team, the Government and development partners, a Committee of Foreign Partners was established, comprising China, France, Germany, the Russian Federation and the United States; BONUCA, CEMAC and its Multinational Force in Central Africa, the EU, OIF, and the World Bank; and the United Nations Resident and Humanitarian Coordinator. With the Secretary-General’s Representative and the High Representative of France as Co-Chairmen, the Committee would monitor developments in the political, security and human rights areas and issues related to respect for democracy.

The Secretary-General observed that the Central African Republic was gradually returning to peace, economic recovery, reconstruction and sustainable development, which required, a comprehensive approach and joint action with the country’s development partners. Existing cooperation frameworks, such as the United Nations Development Assistance Framework and the consolidated appeal process, should be strengthened so as to provide greater support to the country’s economic recovery efforts and to prevent any deterioration in the socio-economic situation.

**Report of Secretary-General (December).** The Secretary-General, reporting on 29 December [8/2005/831] on the situation in the Central African Republic and on BONUCA activities in the second half of the year, said that the period was marked by the progressive establishment of republican institutions. The President’s appointment on 26 August of a National Ombudsman, in accordance with constitutional provisions, was seen by the Central African people as an important step towards peacebuilding and the strengthening of national political life.

The settlement of electoral disputes by the Transitional Constitutional Court resulted in a change in representation in the National Assembly. The Assembly, at its special session (5-13 August), adopted the Prime Minister’s general political programme (see p. 220); at its regular session, it approved the 2005 supplementary budget and adopted the 2006 finance act. The judicial branch was also restructured, especially at the level of the courts and tribunals. The permanent Constitutional Court was established on 8 September, replacing the Transitional Constitutional Court.

Economic activity was heavily affected in 2005 by the negative consequences of earlier politico-military crises and insufficient external assistance. The latest figures suggested a modest recovery of less than 2 per cent, as compared with a forecast of 2.6 per cent. Slight improvements were recorded in fiscal revenues as a result of a census of State officials and civil servants conducted from 25 August through 5 September, which detected close to 1,700 irregularities. Nevertheless, public finances remained in deep crisis, the main effect of which was a new accumulation of salary arrears. The State had been able to pay salaries for six months, only four of which were for 2005; those payments were enabled by the assistance of France and China. The budgetary shortfall had engendered a series of strikes that paralysed a number of public services. In the post-election phase, the anticipated external budgetary assistance was an absolute necessity if the Central African Republic was to overcome its difficulties. Thus, a cooperation agreement between the Central African authorities and the international financial institutions needed to be concluded quickly. However, external assistance alone would not revive the country’s economy. The Government had to step up the pace of reform and take strict measures to control public expenditure, expand the tax base and improve transparency in the management of State finances through a more effective anti-corruption drive.

Those parts of the UN system responsible for operational development activities acted within an integrated approach combining response to humanitarian emergencies, reconstruction and development activities, and improvement of the security situation. The revised United Nations Development Assistance Framework for the period 2004-2006, which identified as strategic pri-
orities democratic governance, reconstruction, post-conflict recovery and combating HIV/AIDS, remained the reference point for programming. During the reporting period, the UN system stepped up action to stem the deterioration in humanitarian indicators, in collaboration with international NGOs and with financial support from Ireland, Norway, Sweden, the United States and the World Bank.

The overall human rights situation had been improving, although slowly, since the country’s return to constitutional legality. Nevertheless, human rights were often flagrantly violated. Prison conditions were deteriorating and did not meet the minimum standards set by the international human rights instruments ratified by the Government. Violations of press and broadcast freedom continued. The recent arrest of a parliamentarian and of the president of the High Council for Communication, and abuses by the defence forces against the civilian population were brought to the attention of the BONUCA Human Rights Section.

The security situation had been precarious since the elections, in particular in the western and north-eastern regions of the country. Armed gangs continued to interfere with agricultural and commercial activities, causing significant population displacements to neighbouring Chad and Cameroons. The crisis in Darfur, Sudan (see p. 315), and the porous borders had exacerbated the proliferation and movement of light arms and psychotropic drugs. The restructuring of the armed forces continued. The Military Section of BONUCA participated in organizing training courses for battalion command post observers and officers, auto mechanics and small-calibre weapons technicians; its Civilian Police Section continued to monitor the country’s security situation and trained 158 national policemen and 98 gendarmes.

The Secretary-General commended the people of the Central African Republic for their patience and political maturity during the post-election period. He said the immensity of the task to be accomplished was beyond the capacity of the Republic alone, which was still recovering from the effects of the recent crises and social tensions; the support of the international community was therefore crucial.

West Africa

In 2005, despite the positive developments achieved in West Africa, daunting challenges remained ahead. While several States were on the path towards economic and democratic reforms and the intensity of conflicts had lessened, the subregion remained vulnerable. The reintegration of former combatants and security sector reform were among the priorities still to be addressed. In March, the Secretary-General presented a progress report on ways to combat subregional and cross-border problems in West Africa, as well as efforts by the United Nations Office for West Africa (UNOWA) and the international community to address subregional cross-border issues. A collaborative ECOWAS/Economic Community of West African States (ECOWAS/UNOWA) working group was established to develop a plan of action for their activities and a regional conflict prevention policy.

The United Nations continued efforts to move the peace process forward in Côte d’Ivoire, through the implementation of the 2003 Lomé–Marcoussis Agreement [YUN 2003, p. 166] and the 2004 Accra III Agreements [YUN 2004, p. 182]. The May 2003 ceasefire monitored by the United Nations Operation in Côte d’Ivoire (UNOCI) continued to hold, with no major violations of the UN-imposed arms embargo. However, key benchmarks were not met, such as the targeted date for the completion of the demobilization of combatants and the constitutional deadline for holding presidential elections on 30 October 2005. The rebel movement Forces nouvelles retained control over the north of the country, while the south remained under Government control. Agreements were brokered in Pretoria, South Africa, on elections and disarmament issues in April and June, but in each case, the parties failed to live up to their commitments, and new disagreements emerged over the work and composition of the Independent Electoral Commission. ECOWAS and the AU extended President Gbagbo’s term for a year, appointed a Prime Minister and established bodies to oversee the peace process. Optimism prevailed that Côte d’Ivoire’s new road map would move the country beyond the impasse of no-war-no-peace and toward holding national elections by October 2006.

Events in Liberia were dominated by electoral activities. The United Nations Mission in Liberia (UNMIL) supported various aspects of the process, including security services. Elections were held in October, in a peaceful manner, in which Ellen Johnson-Sirleaf obtained the majority vote. While progress was made in restoring State authority, concerns about corruption in the National Transitional Government led to the establishment of an investigative committee, which concluded that there had been administrative and financial malpractices. A governance and economic management assistance programme
was developed to address such issues. Violent demonstrations and protests by ex-combatants and reports of their recruitment from neighbouring countries to participate in conflicts, remained an ongoing threat to stability. The apprehension and transfer of former President Charles Taylor to Sierra Leone for prosecution by the Special Court was added to the UNMIL mandate, which was extended through 31 March 2006.

Concerted efforts were made in Sierra Leone to implement the provisions of the 2000 Agreement on the Ceasefire and Cessation of Hostilities (Abuja Agreement) and to lay the foundation for the country to achieve lasting stability, democracy and prosperity. The security situation remained stable, facilitating the implementation of the drawdown plan to reduce troops of the United Nations Mission in Sierra Leone (UNAMSIL), and of the benchmarks set by the Security Council. Due to the fragile situation in the Mano River Basin subregion and shortfalls in security sector reform, the President of Sierra Leone requested a follow-on UN presence after the withdrawal of UNAMSIL. The Security Council therefore established the United Nations Integrated Office in Sierra Leone (UNIOSIL) to assist the Government to consolidate peace, build the national capacity for conflict prevention and prepare for the 2007 elections. An international training team led by the United Kingdom would continue to provide training until 2010. Other progress included further Government control of the diamond-mining sector, the repatriation of some 272,000 Sierra Leonean refugees, the establishment of a national human rights commission and the Security Council Committee’s recommendation to revisit the legal basis of the sanctions against Sierra Leone.

In Guinea-Bissau, controversies over the eligibility of two presidential candidates and the election results later in the year created a highly polarized atmosphere in the country. The United Nations Peace-building Support Office in Guinea-Bissau (UNOGOBIS) and regional organizations, such as the AU and ECOWAS, provided support throughout the electoral process. In May, the Supreme Court validated the applications of both former Presidents Vieira and Yala, paving the way for the holding of the first and second round of presidential elections in June and July. However, one candidate rejected the final results, causing tensions to escalate. Although the inauguration of President-elect Vieira took place in October, by year’s end, the rift had deepened further. By presidential decrees, Mr. Vieira dismissed the Government, appointed a Prime Minister and named a new Government, creating two blocs in the National Popular Assembly: one supporting the Government appointed by President Vieira and the other allied to the previous Government. To facilitate the new role of UNOGOBIS in the transition process, the Secretary-General revised its mandate and recommended an extension for one year, until 31 December 2006.

Cameroon and Nigeria cooperated to resolve the border issue, with UN assistance, through the Cameroon-Nigerian Mixed Commission. Activities focused on completing and consolidating the transfers of authority, finding solutions to the outstanding maritime boundary issues and carrying out the demarcation process. In May, the Presidents of the two countries renewed their commitment to pursue the peaceful implementation of the 2002 International Court of Justice ruling [YUN 2004, p. 1255]. However, delays occurred in the planned withdrawal and transfer of authority in the Bakassi Peninsula and in the demarcation exercise.

The United Nations supported the Government of Togo in addressing the political crisis arising from the sudden death of President Gnassingbé Eyadéma, and in taking measures to preserve stability in the country and in ensuring a peaceful transfer of power consistent with the Constitution and the rule of law. Peaceful and orderly elections were conducted in April. However, the political upheaval and incidents of violence that occurred before, during and after the elections, resulted in allegations of human rights violations. The United Nations High Commissioner for Human Rights dispatched a fact-finding mission to Togo to assess the situation. The Government indicated that it would examine the Commissioner’s recommendations to prevent the cycles of violence and unrest that had often marred elections in Togo, and to redress the problems leading to such misconduct.

### Regional issues

The Secretary-General noted that in 2005 West Africa presented a mixed picture. Several States were on the path to economic and democratic reforms; conflicts were less intense, with fewer people killed. Nonetheless, the subregion remained acutely vulnerable. Some conflicts showed little sign of abating: small arms and light weapons continued to proliferate; human rights abuses were perpetrated with impunity; youth unemployment was soaring; corruption was pervasive; rural exodus into urban areas was fueling explosive population growth in cities, undermining prospects for per capita growth; and in many countries HIV/AIDS and other infectious diseases continued to spread.
Among the key organizations assisting in confronting the problems undermining the subregion’s development and security was the 15-state Economic Community of West African States (ECOWAS), with its growing capacity for economic integration and conflict management and prevention.

In his message [SG/SM/9862] to the ECOWAS summit early in the year (Accra, Ghana, 19 January), the Secretary-General cautioned that, despite positive developments in the subregion during the previous 12 months, daunting challenges lay ahead. He cited the adverse political and economic effects of the crisis in Côte d’Ivoire on much of West Africa; the situation in Guinea-Bissau and Liberia, which demanded sustained attention, especially with regard to security sector reform and the reintegration of former combatants into society; and lawlessness in certain border zones.

While encouraging development partners to explore ways of assisting ECOWAS to focus attention on security sector reform, the Secretary-General hoped ECOWAS would also continue the fight against corruption and impunity, consult more systematically with civil society organizations, and engage fully in discussions on the reform proposals contained in the report of the High-level Panel on Threats, Challenges and Change [YUN 2004, p. 54]. He said that ECOWAS needed to be reinforced further to give it real authority to deal with the problems facing the subregion and affirmed UN support in that effort.

UNOWA

The United Nations Office for West Africa (UNOWA), established by the Secretary-General in 2001 [YUN 2001, p. 162], was extended for three years from 1 January 2005 to 31 December 2007, on the recommendation of the Secretary-General [YUN 2004, p. 170] and with the concurrence of the Security Council [S/2004/858]. Headed by the Special Representative for West Africa, Ahmedou Ould-Aabdallah (Mauritania) since 2002, UNOWA maintained its headquarters in Dakar, Senegal.

In keeping with his intention to strengthen UNOWA, the Secretary-General, on 11 January 2005 [S/2005/16], transmitted to the Council a copy of the enhanced mandate, which the Council took note of on 11 January [S/2005/17]. The functions entrusted to UNOWA under the mandate were to promote an integrated subregional approach and facilitate coordination and information exchange, with due regard to specific mandates of UN organizations, peacekeeping operations and peacebuilding support offices; liaise with and assist ECOWAS and the Mano River Union (see p. 228); perform good offices roles and special assignments in conflict prevention and peacebuilding; report to UN Headquarters on key subregional developments; and execute additional tasks assigned by the Secretary-General and the Security Council, including support to the work of the Cameroon-Nigeria Mixed Commission (see p. 296) and follow-up of the relevant recommendations contained in the report of the 2004 Security Council mission to West Africa [YUN 2004, p. 169] and of the Council’s recommendations on cross-border issues in the subregion [ibid., p. 107].

Activities

During the year, UNOWA held regular meetings with the heads of UN operations and political offices in West Africa to develop an integrated subregional approach to conflict prevention and management, and to promote peace, security and development in the subregion. It continued to monitor the crisis in Côte d’Ivoire in order to update the Council on developments, and convened regional meetings aimed at formulating basic principles and guidelines for a harmonized approach to disarmament, demobilization and reintegration in West Africa. It worked to develop a regional strategy to tackle the problem of youth unemployment and launched a study entitled “Youth Unemployment and Regional Insecurity in West Africa” on the eve of the Afrique-France Summit (Dakar, 1 December). It convened a meeting (Timbuktu, Mali, April) to devise an integrated strategy for stabilizing the Mauritania/Mali/Niger border cluster area. Joint UNOWA/ECOWAS activities included, among others, the ECOWAS workshop on lessons learned from peacekeeping operations (Accra, 10-11 February) and the development of the ECOWAS/EU/UNOWA Framework of Action for Peace and Security at the seventh EU/ECOWAS Ministerial Troika meeting (Luxembourg, 18 May).

Threats to peace and security


The report outlined steps taken or envisaged to develop an integrated and coordinated approach to conflict prevention. Through the collaborative efforts of UN entities, those steps included: regular liaison between the Special...
Representative and other UN presences in the subregion to facilitate information exchange and analysis, devise integrated strategies to coordinate periodic meetings among the five UN peacekeeping and political missions in the subregion; and the UN Consolidated Inter-Agency Appeal for West Africa 2005 (see p. 999), which focused on alleviating the deterioration of human security, hence the ongoing close collaboration among the humanitarian, political and military actors. With UN support, the States in the Mano River Union (Sierra Leone, Liberia, Côte d’Ivoire, Guinea and Liberia) were reactivating the Mano River Union to enhance regular institutional cooperation among them and among the Union, the subregion and international partners; a reactivated Union would make possible the resumption of consultations among its members, particularly on ways to deal with mercenaries. ECOWAS and UNOWA concluded a cooperation agreement and a joint UNDP-funded civil society project to reinforce the coordination of child protection initiatives in the subregion. UN entities had increasingly invited civil society organizations, particularly women’s groups, to participate in the elaboration and implementation of action plans on cross-border issues and to undertake advocacy work, especially in remote areas. Through the efforts of a UNDP-funded civil society focal point within the ECOWAS secretariat, civil society organizations created the West Africa Civil Society Forum as an umbrella institution for regional integration, peace and security.

The report also outlined action taken to address cross-border issues in the following areas: combating the proliferation of small arms and light weapons; harmonization of disarmament, demobilization and reintegration, especially for child soldiers; finding durable solutions to the problem of refugees and displaced persons; security sector reform; and developing integrated strategies in sensitive border zones. The Programme for Coordination and Assistance for Security and Development was replaced by the ECOWAS Small Arms Control Programme to facilitate the conversion of the 1998 ECOWAS moratorium on the importation, exportation and manufacture of small arms and light weapons [YUN 1998, p. 537] into a legally binding instrument, assist them in developing national action plans and policies on preventing unconstitutional seizure of power, and improving the capacity of ECOWAS in conflict prevention, crisis management and post-conflict prevention. ECOWAS and UNOWA would be working closely with the EU on many of those activities. A related action plan was under development. UNICEF received funding from the Humanitarian Aid Office of the European Commission for a subregional child protection project to reinforce the coordination of child protection initiatives in the subregion. UN entities had increasingly invited civil society organizations, particularly women’s groups, to participate in the elaboration and implementation of action plans on cross-border issues and to undertake advocacy work, especially in remote areas. Through the efforts of a UNDP-funded civil society focal point within the ECOWAS secretariat, civil society organizations created the West Africa Civil Society Forum as an umbrella institution for regional integration, peace and security.

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sensitive border areas in West Africa”, headed by UNOWA and the Office for the Coordination of Humanitarian Affairs, and including concerned UN country teams and peace missions, ECOWAS, development partners and civil society groups in the region, was launched in October 2004 to address problems of West African border areas. Draft integrated strategies for four particular clusters were developed: Guinea/Cote d’Ivoire/Liberia/Sierra Leone; Mali/Burkina Faso/Cote d’Ivoire/Ghana; Mauritania/Mali/Niger; and Senegal/Gambia/Guinea Bissau.

The Secretary-General noted the constructive partnership among the UN system, development partners and ECOWAS, as well as some Governments, civil society organizations and local communities in West Africa. He also noted the steps taken towards the development of truly collaborative arrangements for addressing cross-border problems. He called on ECOWAS and development partners to begin work on establishing a register of small arms. He pointed out that of special benefit to West Africa would be the recommendations of the 2004 High-level Panel on the establishment of a sizeable standing fund for peacebuilding that could be used to fund rehabilitation and reintegration programmes.

The Secretary-General stressed that measures to reduce the high levels of youth unemployment were vital for rehabilitation, peacebuilding and development; that the 2005 consolidated appeals process for West Africa should underline the need to fund a regional humanitarian response strategy and development partners should fund the project proposals providing a range of cross-border support services; and that UNOWA, in consultation with its partners in West Africa, should produce, before the end of 2005, a regionally integrated programme for security sector reform with concrete projects that development partners could fund.

Security Council consideration. At its meeting on 25 February [meeting 531], the Security Council considered the foregoing progress report of the Secretary-General, who said the report highlighted areas requiring immediate and longer-term actions; its recommendations were directed at a wide range of players, including the Council and other parts of the UN system, development partners, ECOWAS and civil society organizations, calling on all to practice prevention and to address at an early stage the root causes of conflict. He singled out ECOWAS efforts to address the complex challenges facing the subregion and drew attention to the growing cooperation among security agencies in cracking down on cross-border crime, as well as the efforts under way to protect children, to stem small-arms flows and to involve civil society groups more regularly in peacebuilding and other initiatives.

The Special Representative of the Secretary-General and Head of UNOWA said that the Office would continue to facilitate coherent and integrated approaches to peacebuilding among UN entities in West Africa; strengthen its partnership with West African States and subregional organizations, especially with ECOWAS; carry out preventive diplomacy and early warning missions; and devise policy recommendations that provided a basis for effective crisis management. In partnership with West African Governments, civil society organizations, the private sector and other international actors, it would initiate outreach activities to address persistent and emerging challenges to peace and security.

To strengthen action within the framework of its mandate, UNOWA focused on three broad challenges: the institutional, which called for further strengthening of collaboration among the UN entities in West Africa; the methodological, which required prioritizing issues, areas and objectives; and the doctrinal, which called for concentrating on countries at war and strongly supporting those which were not at war but which remained fragile.

Security Council Action

On 25 February [meeting 531], following consultations among Security Council members, the President made statement S/PRST/2005/9 on behalf of the Council:

The Security Council has carefully reviewed the progress report of the Secretary-General of 11 February 2005 on the implementation of the recommendations of the Council on cross-border and subregional problems in West Africa, and reaffirms the statement by its President of 25 March 2004.

The Council notes with appreciation the enhanced cooperation among the various United Nations political and peacekeeping missions in the subregion and looks forward to receiving the forthcoming report of the Secretary-General on inter-mission cooperation. The Council also welcomes the growing and constructive partnership between the United Nations system, the Economic Community of West African States, individual Member States, key bilateral and multilateral development partners, as well as civil society organizations, including women’s organizations, aimed at addressing the many complex challenges confronting the West African subregion.

The Council reiterates its belief that action on cross-border and subregional issues should take place as part of a wider strategy of conflict prevention, crisis management and peacebuilding in the subregion. The Council thus also encourages the United Nations Office for West Africa further to promote an integrated and joint subregional approach with the Economic Community of West Afri-
can States and the African Union, as well as with other key international partners and civil society organizations.

The Council welcomes the encouraging prospects for the reactivation of the Mano River Union and the resumption of dialogue among its member States, notably on ways to deal with mercenaries. It also welcomes initiatives taken by the Economic Community of West African States to establish a Small Arms Unit and to adopt a new Small Arms Control Programme and its ongoing efforts to transform the moratorium on the import, export and manufacture of small arms and light weapons, signed in Abuja on 31 October 1998, into a binding convention.

The Council welcomes the decision of the European Commission on 2 December 2004 to assist the Economic Community of West African States in implementing its plans to combat the illicit dissemination of small arms. The Council reiterates its call upon all Member States and organizations, in a position to do so, to extend further assistance to the Economic Community of West African States in this field. The Council calls upon arms producing and exporting countries and West African States to explore ways in which they can ensure the implementation of the moratorium.

The Council calls upon Member States and key international partners to explore practical ways of assisting the Economic Community of West African States in enhancing its capacities in the areas of conflict prevention, peacemaking and peacekeeping, including through the provision of technical expertise, training programmes, and logistical and financial resources. In this connection, the Council reaffirms the crucial importance of the reintegration of ex-combatants, taking into account the special needs of child soldiers and women, in order to reverse the culture of violence and create an enabling environment for national reconciliation in countries emerging from conflict, and reiterates its call to the international community to provide adequate funding to this end.

The Council underlines the fact that ongoing or emerging crises in West Africa are a threat to subregional stability, and, in this regard, notes with deep concern the emerging and ongoing tensions in some countries over the transfer of power, involving members of security and armed forces, and which may further obstruct efforts to stabilize the subregion.

The Council recalls in this regard the African Union position on unconstitutional changes of governments, as stated in the 1999 Algiers Declaration and the 2000 Lomé Declaration.

The Council welcomes the action taken by the Economic Community of West African States and the African Union to address these issues.

The Council expresses its deep concern about the involvement of individuals including those from security and armed forces in such illicit activities as smuggling of arms, drugs and natural resources, human trafficking, extortion at roadblocks and money laundering, in the context of mismanagement in the administration of justice, and weak government capacity to fight against criminal activities and impunity. The Council stresses the need to pay special attention to those critical issues that have a direct bearing on efforts to enhance peace, stability and democratic governance in West African countries.

The Council emphasizes the need to pursue security sector reforms aiming at improving civil-military relations in countries emerging from conflict situations and creating a culture of peace and stability and promoting the rule of law. In this regard, the Council requests the United Nations Office for West Africa to further explore with interested governments and organizations ways in which security sector reforms could be formulated and implemented.

In this regard, the Council welcomes the ongoing efforts of the Economic Community of West African States, in collaboration with the United Nations Office on Drugs and Crime, to improve border control mechanisms in West Africa by facilitating the flow of information among national law enforcement authorities, as well as regional networking and cooperation in law enforcement issues.

The Council reiterates the importance of curbing the growing risks of instability along some border areas. The Council, therefore, encourages the United Nations Office for West Africa to facilitate, in close cooperation with the Executive Secretariat of the Economic Community of West African States and its member States concerned, the implementation of strategies developed for sensitive border zones in the subregion, and calls upon donors to support these efforts.

The Council stresses the need to help West African States to curb illicit cross-border activities and to strengthen the capacities of the civil society groups working to promote a cross-border culture of non-violence and peace.

The Council further emphasizes the need to generate economic activities and to foster development as a means of promoting sustainable peace in the subregion. It urges international donors to assist the Economic Community of West African States to address that need.

The Council reaffirms the urgency of finding lasting solutions to the problem of youth unemployment in order to prevent the recruitment of such youth by illegal armed groups. In this connection, the Council requests the Secretary-General to include in his next progress report practical recommendations on how best to tackle the problem of youth unemployment.

The Council urges donor countries, international organizations and civil society to address the dire humanitarian situation in many parts of the subregion and to provide adequate resources within the framework of the consolidated appeals process 2005 for West Africa as part of a regional humanitarian response strategy to improve the human security of the people in dire need of protection or those whose coping capacities are close to exhaustion.

The Council expresses its intention to keep these issues under review, and requests the Secretary-General to report on them regularly through his reports on the United Nations missions in the subregion.
Mano River Union. At a special summit of the Mano River Union, comprising Guinea, Liberia and Sierra Leone (Freetown, Sierra Leone, 28 July), the Heads of State and Government of the member countries considered security issues within the Mano River basin and the revival of the Union’s secretariat. They reaffirmed their commitments to support initiatives promoting confidence-building measures along border areas and strengthening security in the sub-region and to pursue a peaceful solution to the border issue along the Makona-Moa River in conformity with the 2004 memorandum or understanding signed in Conakry, Guinea (YUN 2004, p. 217), stipulating that the village of Yenga belonged to Sierra Leone and the Makona-Moa River to Guinea, as contained in the Anglo-French Treaty of 1912 and renewed by the 1974 Agreement between Sierra Leone and Guinea. They affirmed that the agreement should be concretized by the demarcation of the border areas by experts from both countries and begin in August. They appealed to the United Nations and the international community, including the EU, to provide assistance for the reactivation of the Union’s secretariat.

Inter-mission cooperation in West Africa

Report of Secretary-General (March). In his March report [S/2005/135] on inter-mission cooperation among the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Mission in Liberia (UNMIL) and the United Nations Operation in Côte d’Ivoire (UNOCI), the Secretary-General noted that the presence of those three peacekeeping missions, under the aegis of UNOWA, provided an opportunity to pursue a coordinated subregional approach to addressing a number of linked key issues at the national and subregional levels.

The Secretary-General, in addition to describing ongoing inter-mission cooperation activities among UNAMSIL, UNMIL and UNOCI, presented recommendations on potential areas for future cooperation. Among them were: information sharing and joint strategy formulation to support the peace processes in Côte d’Ivoire, Liberia and Sierra Leone; together with the establishment of fully functional and inclusive joint mission analysis cells for effective information management; cross-border military operations, including “hot pursuit” operations, joint air patrolling, shared routine cross-border patrolling and periodic patrol visits at border crossing checkpoints, extended areas of border responsibility, prearranged coordinated military operations, and the possible establishment of an operational-level subregional reserve force capable of rapid deployment, with a command and control centre; sharing of experiences in planning, harmonizing and implementing disarmament, demobilization and reintegration programmes, and working closely with Governments and partners to support the repatriation of foreign ex-combatants, including women and children formerly associated with armed forces; sharing of information on combating the proliferation of small arms and light weapons, including on types and country of origin of weapons collected, arms flows and small arms and light weapons control programmes in each mission area; and sharing of technical expertise among the missions’ civilian police operations on cross-border issues (trafficking in natural resources, arms and drugs) and drawing on expertise of international or sub-regional police mechanisms.

Other suggested areas of cooperation were in human rights, child protection, humanitarian assistance, civil affairs, the rule of law, public information and administration and logistics.

The Secretary-General pointed out that to conduct some of the inter-mission operations identified above, the Security Council would need to adjust the mandates of the individual missions. That entailed addressing a number of political and legal considerations: the consent of Governments in which the missions were deployed; agreement of troop-contributing countries for the use of their troops and equipment in more than one mission area, with consequent adjustments to the related memorandums of understanding; and arrangements for the extension of the protection, privileges and immunities, exemptions and facilities in the mission’s respective status-of-forces agreements to UN personnel and property from other missions that might be deployed in the State concerned as part of inter-mission operations. Also to be addressed were financial and staffing constraints, changes to the budgetary process and estimates, and coordination with UN Headquarters on the subregional reallocation of assets so as to keep in line with global peacekeeping priorities and requirements.

The Secretary-General observed that, while the above agenda would require persistent effort, its benefits would stretch beyond West Africa as similar principles of inter-mission cooperation could be applied wherever there were other contiguous UN presences.

Côte d’Ivoire

In 2005, the United Nations, the Economic Community of West African States (ECOWAS), the African Union (AU) and the international community continued efforts to move Côte d’Ivoire’s
line, leaders of ECOWAS and the AU agreed to extend President Laurent Gbagbo’s term of office for a year. Significant powers would be entrusted to a Prime Minister who would oversee a power-sharing government and the transition to fresh elections by October 2006. ECOWAS and the AU also created two new bodies, the International Working Group and a Mediation Group, to oversee the peace process; both bodies were co-chaired by the UN Special Representative in Côte d’Ivoire. The Security Council endorsed those decisions in October.

In early December, the AU Chairperson, President Olusegun Obasanjo of Nigeria, the Chairperson of ECOWAS, President Mamadou Tandja of Niger, and the AU Mediator, President Mbeki, brokered the appointment of Charles Konan Banny, the Governor of the Central Bank for West African States, as the new Prime Minister.

In the latter months of 2005, a number of senior UN officials visited Côte d’Ivoire, including the Chairman of the UN Sanctions Committee on Côte d’Ivoire, who warned leaders that sanctions would be imposed against anyone obstructing the peace process. Despite setbacks in the Ivorian peace process in 2005, optimism remained that Côte d’Ivoire’s new road map, drawn up by the International Working Group, would move the country out of the current impasse of no-war-no-peace and result in the disarmament of combatants, dismantlement of militias, restoration of State authority throughout the country, and, ultimately, to the holding of national elections by October 2006.

Political and security developments

Communications. On 10 January [S/2005/29], the AU Peace and Security Council, in a communiqué issued at its twenty-third meeting (Libreville, Gabon), endorsed the plan [YUN 2004, p. 189] submitted by the AU Mediator, South African President Thabo Mbeki, to help Côte d’Ivoire emerge from the crisis (the December 2004 road map), which called for the adoption of all the texts emanating from the Linas-Marcoussis Agreement, the implementation of the disarmament, demobilization and reintegration programme, the effective functioning of the Government of National Reconciliation, and the establishment throughout the national territory of a climate conducive to the restoration of peace and security in the country. It renewed President Mbeki’s mandate and urged the Ivorian parties to cooperate with him and honour the commitments made within the framework of the December 2004 road map.
On 13 January [S/2005/28], Côte d’Ivoire transmitted to the UN Security Council President a progress report “Moving the peace process forward: an update on the implementation of the December 2004 road map”, outlining action it had taken in respect of the legislative programme, the disarmament, demobilization and reinsertion programme, efforts to create a climate conducive to free political activity, the functioning of the Government of National Reconciliation and the restoration of social services and redeployment of Government administration in the whole territory.

In another letter of the same date [S/2005/27], Côte d’Ivoire informed the Council President that it did not want France to initiate the Council’s resolutions and declarations concerning Côte d’Ivoire, given the bias of the French force (Operation Licorne) in destroying all of the country’s military aircraft and bombarding its presidential palaces in November 2004 [YUN 2004, p. 186]. It also wanted the French forces to be integrated into UNOCI.

In separate letters of 26 January [S/2005/55, A/59/693] addressed to the Council and the General Assembly, Côte d’Ivoire expressed concern over the tone of the opposition press. The priority should be to foster a return to dialogue, allay tensions and avoid the spread of false information.

**Report of Secretary-General.** The Secretary-General, in his fourth progress report on UNOCI [S/2005/186], highlighted major developments in the peace process at the beginning of the year. He said that much of the focus was on the efforts of President Thabo Mbeki, who led an AU mediation initiative, in January, in close cooperation with the United Nations and ECOWAS. Several rounds of consultations took place in Côte d’Ivoire and Pretoria, South Africa, with the Ivorian parties, including President Laurent Gbagbo, Prime Minister Seydou Diarra, the Secretary-General of the Forces nouvelles, Guillaume Soro, senior Government officials and opposition party leaders, focusing on how to advance the plan of action (see above) agreed upon by the Ivorian parties during President Mbeki’s visit to Côte d’Ivoire in December 2004 [YUN 2004, p. 187].

Other interrelated issues dealt with the enactment of legislative reforms envisaged in the Linas-Marcoussis Agreement and ensuring the effective functioning of the Government of National Reconciliation.

In other developments, the Government extended until 11 June the ban on street marches and demonstrations in Abidjan, instituted in December 2004 [ibid., p. 190]. The Forces nouvelles, whose ministers had not participated in the Government since the November 2004 crisis [ibid., p. 185] indicated, in discussions with the AU mediation team, UNOCI and the Licorne forces, its wish to be allowed to bring their own close protection units to Abidjan. The effective functioning of the Government was also affected by a lack of clarity regarding the delegation of powers from the President to the Prime Minister and other ministers. The absence of civil servants remained a major contributing factor to the continued deterioration in the humanitarian situation, particularly in the north. Meanwhile, UNOCI continued to support efforts for the redeployment of State administration, which needed some $506 million to facilitate the return of civil servants and other Government personnel to their respective areas of responsibility.

On 18 January, the Forces nouvelles and FANCI resumed cooperation with the National Commission for Disarmament, Demobilization and Reintegration, which reported that an estimated 10,000 militia members still remained active in Côte d’Ivoire, and their growing numbers continued to be a major cause of concern. However, the Forces nouvelles efforts to formalize the national disarmament, demobilization and reintegration plan, which included the restructuring of FANCI, were derailed when it was attacked by militias at its checkpoint at Logoualé on 28 February.

Concerning the holding of elections, Prime Minister Seydou Diarra had sought to reactivate the national identification exercise in an effort to move the election preparations forward. The Independent Electoral Commission, on 8 February, adopted its programme of work, but the G-7 group of opposition political parties rejected the legislation revising the Commission’s structure and composition as not being in conformity with the Linas-Marcoussis Agreement. The law establishing the Commission was challenged in court, as a result of which its main activities had to be suspended. On 18 February, several political parties expressed their wish that the United Nations organize the Ivorian elections. The Secretary-General, while expressing concern over the protracted delays in the organization and preparation of the presidential and legislative elections, stated that the request for an enhanced UN role in the electoral process had to be agreed upon to by all Ivorian parties.

The security situation remained tense, with a marked increase in criminality, especially in Abidjan and the Zone of Confidence. In the light of the volatile security situation, the Secretary-General recommended that UNOCI’s mandate be extended for a period of 12 months, until 4 April 2006.
Security Council consideration. The Security Council was briefed on 28 March [meeting 5392] on the situation in Côte d’Ivoire by the Deputy Special Representative, Alan Doss (United Kingdom), who stated that the December 2004 road map remained largely unachieved. The Government of National Reconciliation remained bereft of Forces nouvelles ministers and the military dialogue had been interrupted, delaying the disarmament, demobilization and reintegration process.

In February, the Forces nouvelles reorganized the areas under their control, creating five new territorial entities under the command of new warlords. At the same time, its Secretary-General, Guillaume Soro, announced the opening of a new police and customs academy, as well as a new bank in Bouaké, actions that, even though they did not indicate an immediate intention to secede, revealed that they saw the crisis as one of long duration. In the absence of judicial authority in the Zone of Confidence, UNOCI proposed that the national authorities take exceptional measures to fill the gap, including the nomination of temporary administrators and the reactivation of the joint brigade composed of imperial forces, national forces and Forces nouvelles to patrol and combat rising crime in the Zone. Forces nouvelles had yet to accept the proposal because of suspicion that the central power would seek to establish itself in the Zone through that mechanism. UNOCI, supported by the Licorne forces, remained vigilant in the Zone, amid rising tensions.

On behalf of the AU Mediation Mission in Côte d’Ivoire, the South African Deputy Foreign Minister, Aziz Pahad, said that, to resolve the outstanding challenges with regard to the implementation of the road map and to ensure lasting peace in Côte d’Ivoire, a meeting between President Mbeki and the country’s principal political leaders was planned for 3 April in South Africa (see p. 232). The AU mediation would report to the UN Security Council about the outcome. Meanwhile, an AU mediation legal team visited Côte d’Ivoire and had extensive interactions with the parties to determine the compliance of adopted legislation with the Linas-Marcoussis Agreement. The team confirmed that significant progress had been made in that regard, although there were differences among the parties on the appropriate legislative texts, mainly related to the interpretation of the Linas-Marcoussis Agreement, rather than a reluctance to implement it. There were areas where the Agreement was not in line with international practice. The findings were largely received by the parties.

The representative of Côte d’Ivoire complained that the Secretary-General’s report showed considerable sympathy for the point of view of Forces nouvelles, the former rebels and opposition parties, while that of the legitimate authorities was systematically called into question. That risked giving comfort to the former rebels in their intention to change the country’s institutions by violence and encourage other rebellions in the subregion.

SECURITY COUNCIL ACTION


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 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),
Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of West African States towards re-establishing peace and stability in Côte d’Ivoire, and reaffirming in this regard its full support to the ongoing facilitation mission undertaken by the President of the Republic of South Africa, Mr. Thabo Mbeki, on behalf of the African Union,
Taking note of the report of the Secretary-General of 18 March 2005,
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 that the mandate of the United Nations Operation in Côte d’Ivoire and of the French forces supporting it shall be extended for a period of one month, until 4 May 2005;
2. Calls upon all Ivorian parties immediately and actively to pursue a just and lasting solution to the current crisis, particularly through the African Union mediation led by President Thabo Mbeki;
3. Decides to remain actively seized of the matter.

Appointments. On 25 February [S/2005/135], the Secretary-General informed the Security Council of his intention to appoint Mr. Pierre Schori (Sweden) as his Special Representative and Head of UNOCI. On 2 March [S/2005/134], the Council took note of his intention.
The Pretoria Agreement

The AU mediation mission, led by South African President and Mediator, Thabo Mbeki, convened a meeting in Pretoria, South Africa from 3 to 6 April to discuss the December 2004 roadmap with President Laurent Gbagbo; Prime Minister Seydou Diarra; Henri Konan Bédié, President of the Democratic Party of Côte d’Ivoire; Alassane Ouattara, President of the Rally of Republicans; and Guillaume Soro, Secretary-General of the Forces nouvelles. The meeting resulted in the signing, on 6 April, of the Pretoria Agreement on the Peace Process in Côte d’Ivoire. The text of the Agreement, together with the Mediator’s letter of determination on article 35 of the Constitution of Côte d’Ivoire addressed to the Ivorian leaders, were transmitted to the Security Council President by South Africa on 25 April [S/2005/270].

In the Agreement, the parties declared the immediate and final cessation of hostilities and the end of the war throughout the national territory; agreed to proceed with the disarmament and dismantling of militia throughout the country; that the Chiefs of Staff of FANCI and of the Armed Forces of the Forces nouvelles ensure the implementation of the National Disarmament, Demobilization and Reintegration Plan and make recommendations for the formation of one army; and that determination.

The Pretoria Agreement was also reached on the financing of the bilization and Reintegration Plan and made recommendations for the formation of one army; and that determination.

The Mediator, in his 25 April letter to the Ivorian parties with respect to the revision of article 35 of the Constitution relating to the eligibility of the Presidency, determined that, for the 2005 presidential elections, the Constitutional Council should accept the eligibility of the candidates who might be presented by the political parties that were signatories to the Linas-Marcoussis Agreement and requested President Gbagbo, under the powers granted to him by article 48 of the Constitution to give legal force to that determination.

SECURITY COUNCIL ACTION


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 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),

Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of West African States towards re-establishing peace and stability in Côte d’Ivoire, and reaffirming in this regard its full support to the ongoing facilitation mission undertaken by the President of the Republic of South Africa, Mr. Thabo Mbeki, on behalf of the African Union,

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. Welcomes the signing by the Ivorian parties at Pretoria on 6 April 2005 of the agreement on the peace process in Côte d’Ivoire (the Pretoria Agreement), under the auspices of the President of South Africa, Mr. Thabo Mbeki, commends President Mbeki for the essential role he has played, on behalf of the African Union, to restore peace and stability in Côte d’Ivoire, and reaffirms its full support for his mediation efforts;

2. Calls on all parties to implement fully the Pretoria Agreement and reminds them that they have decided in the Agreement to refer to the mediator, President Thabo Mbeki, any differences which may arise in the interpretation of any part of the Agreement;

3. Welcomes further the decision taken by President Thabo Mbeki with regard to eligibility for the Presidency of the Republic, as described in his letter dated 11 April 2005 to Mr. Laurent Gbagbo, President of the Republic of Côte d’Ivoire, and takes note with satisfaction of the announcement made by President Gbagbo on 26 April 2005 that all candidates nominated by the
political parties signatory to the Linas-Marcoussis Agreement would be eligible for the Presidency;
4. Urges all the Ivorian parties to take all necessary steps to ensure that the forthcoming general elections are free, fair and transparent;
5. Decides that the mandate of the United Nations Operation in Côte d’Ivoire and of the French forces supporting it shall be extended for a period of one month, until 4 June 2005;
6. Decides also to remain actively seized of the matter.

On 23 May [S/2005/340], President Mbeki, in his capacity as the Mediator for the peace process in Côte d’Ivoire, expressed the hope that the Council would agree on the appointment of a competent authority to oversee the upcoming elections and that the United Nations would assist the Ivorian people in its organization.


The Security Council,
Recalling its previous resolutions and the statements by its President relating to the situation in Côte d’Ivoire,
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),
Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of West African States towards re-establishing peace and stability in Côte d’Ivoire,
Welcoming in particular the mediation efforts undertaken by Mr. Thabo Mbeki, President of the Republic of South Africa, on behalf of the African Union, and reaffirming its full support for him,
Welcoming the signing by the Ivorian parties at Pretoria on 6 April 2005 of the agreement on the peace process in Côte d’Ivoire (the Pretoria Agreement), under the auspices of President Thabo Mbeki, and expressing its satisfaction with the first steps which have been undertaken by the Ivorian parties in order to implement the Agreement, in particular with the agreement on the disarmament, demobilization and reintegration process reached on 14 May 2005 and the restoration of the status of the Ivorian Radio and Television to that which it enjoyed before 24 December 2004,
Expressing grave concern at the allegations of misconduct of some peacekeeping troops deployed in African countries, including sexual exploitation, affirming that these troops should comply with their code of conduct, and reaffirming that there will be a zero tolerance policy of any misconduct or sexual exploitation in all peacekeeping troops,
Having taken note of the report of the Secretary-General in this regard, that non-respect, by the signatories to the Pretoria Agreement and all the Ivorian parties concerned implement it fully and without delay;
2. Stresses, in this regard, that non-respect, by the signatories to the Pretoria Agreement, or by any other Ivorian party concerned, of any of the commitments made in Pretoria in the presence of the President of South Africa, Mr. Thabo Mbeki, would endanger the peace process in Côte d’Ivoire and would constitute an obstacle to the implementation of the Linas-Marcoussis Agreement and the Accra III Agreement, and therefore reaffirms its readiness to implement paragraphs 9 and 11 of its resolution 1572(2004) of 15 November 2004 if the parties fail to meet their commitments under the Linas-Marcoussis and Pretoria Agreements;
3. Commends President Thabo Mbeki for the essential role he has played, on behalf of the African Union, to restore peace and stability in Côte d’Ivoire, reaffirms its full support for his mediation efforts, reminds the signatories to the Pretoria Agreement that, in the event of differences in the interpretation of all or part of the Agreement, they should seek a ruling from President Mbeki, and encourages the Secretary-General, President Mbeki and the African Union to continue to collaborate closely in the implementation of the Agreement;
4. Takes note with satisfaction of the provisions of the Pretoria Agreement reaffirming the determination of the signatories to the Agreement regarding the need to organize presidential elections in October 2005 and legislative elections following immediately thereafter, as well as their agreement to invite the United Nations to participate in the work of the Independent Electoral Commission and the Constitutional Council and in the organization of the general elections, and of the decision by the Council of Ministers on 28 April 2005 to hold the first round of the presidential elections on 30 October 2005;
5. Welcomes the decision taken by President Thabo Mbeki with regard to eligibility for the Presidency of the Republic, as described in his letter dated 11 April
2005 to Mr. Laurent Gbagbo, President of the Republic of Côte d’Ivoire, and takes note with satisfaction of the announcement made by President Gbagbo on 26 April 2005 that all candidates nominated by the political parties signatory to the Linas-Marcoussis Agreement would be eligible for the presidential elections;

6. Demands that all the Ivorian parties take all necessary steps to ensure that the forthcoming general elections are free, fair and transparent;

7. Requests the Secretary-General, on the basis of the Pretoria Agreement, to designate, as an exceptional arrangement, after consultations with the African Union and President Thabo Mbeki, a High Representative for the elections in Côte d’Ivoire, autonomous from the United Nations Operation in Côte d’Ivoire, to assist in particular in the work of the Independent Electoral Commission and the Constitutional Council, without prejudice to the responsibilities of the Special Representative of the Secretary-General for Côte d’Ivoire and with the following mandate:

(a) To verify, on behalf of the international community, that all stages of the electoral process, including the establishment of a register of voters and the issuance of voters’ cards, provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections within the time limits laid down in the Constitution of the Republic of Côte d’Ivoire;

(b) To provide, in close cooperation with the United Nations Operation in Côte d’Ivoire and the mediation, all necessary advice and guidance to the Constitutional Council, the Independent Electoral Commission and other relevant agencies or institutions to help them to prevent and resolve any difficulty which may jeopardize the holding of open, free, fair and transparent elections within the time limits laid down in the Constitution, with the authority to make necessary determinations in this regard;

(c) To report immediately to the Security Council through the Secretary-General, and to inform the mediator of the African Union, President Thabo Mbeki, of any difficulty which may jeopardize the holding of open, free, fair and transparent elections, and to submit to them, as appropriate, such recommendations as he may see fit to make;

(d) To keep the Council, through the Secretary-General, and President Thabo Mbeki regularly informed of all aspects of his mandate;

(e) To request and receive information and technical advice from the United Nations Operation in Côte d’Ivoire as well as from other sources;

8. Decides that the mandate of the High Representative as referred to in paragraph 7 above will end after the forthcoming general elections in Côte d’Ivoire;

9. Calls upon the donor community to provide all the necessary financial resources to the High Representative to support the full implementation of his mission;

10. Takes note of the agreement on the disarmament, demobilization and reintegration process and on the restructuring of the armed forces signed at Yamoussoukro on 14 May 2005 by the chiefs of staff of the National Armed Forces of Côte d’Ivoire and the armed forces of the Forces nouvelles, demands that the parties implement fully this agreement so that the disarmament, demobilization and reintegration process can start without delay, reaffirms in this regard paragraphs 9 and 11 of its resolution 1572(2004), reaffirms also paragraph 8 of its resolution 1584(2005) of 1 February 2005 regarding the establishment of a comprehensive list of armaments in their possession, and demands the immediate disarmament and dismantling of militias throughout the national territory;

11. Decides that the mandate of the United Nations Operation in Côte d’Ivoire and of the French forces supporting it shall be extended until 24 June 2005, with a view to renewing it, in this specific instance, for a period of seven months;

12. Authorizes the Secretary-General to begin the necessary planning and preparations, including troop and police generation as well as required support and other arrangements, to facilitate a timely deployment in the event that the Council decides to increase the authorized strength of troops and police for the United Nations Operation in Côte d’Ivoire and to adjust its mandate;

13. Underlines the importance of mainstreaming the gender perspective in peacekeeping operations and post-conflict peacebuilding and of appropriate expertise in this regard, and encourages the United Nations Operation in Côte d’Ivoire to actively address this issue;

14. Urges donors and international financial institutions to provide the necessary support to the implementation of the Pretoria Agreement, in particular the disarmament, demobilization and reintegration programme and the electoral process, through the expeditious allocation of financial resources;

15. 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;

16. Welcomes the efforts undertaken by the United Nations Operation in Côte d’Ivoire to implement the Secretary-General’s zero tolerance policy on sexual exploitation and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

17. Requests the Secretary-General to continue to keep the Council regularly informed of the development in the situation in Côte d’Ivoire, the implementation of the mandate of the United Nations Operation in Côte d’Ivoire and of the Linas-Marcoussis and Pretoria Agreements, and to report to it in this regard every three months;

18. Requests France to continue to report to the Council periodically on all aspects of its mandate in Côte d’Ivoire;

19. Invites the African Union to keep the Council regularly informed of the implementation of the provisions of the Pretoria Agreement and to make recommendations to the Council as it deems necessary;
20. Expresses its full support to the Special Representative of the Secretary-General for Côte d’Ivoire;
21. Decides to remain actively seized of the matter.

On 19 July, the Secretary-General informed the Council of his intention to appoint Ambassador António Monteiro (Portugal) to the post of High Representative for the elections in Côte d’Ivoire, which the Council noted on 22 July [S/2005/486, S/2005/487].

Implementation of the Pretoria Agreement

Report of Secretary-General. In his fifth report on UNOCI [S/2005/398 & Add.1], issued in June, the Secretary-General stated that the momentum gained in the peace process following the signing of the Pretoria Agreement had slowed as only limited progress was made towards its implementation. As a result of the Agreement, FANCI and the Forces nouvelles agreed on the timing and modalities of the national disarmament, demobilization and reintegration programme and the restructuring of the armed forces. Following a meeting (Daoukro, 19 April) of the Quadripartite Commission (comprising FANCI, the Forces nouvelles, UNOCI and the Licorne forces), FANCI and the Forces nouvelles indicated that they would not disarm, until a number of conditions had been met, including the disarmament and dismantling of militias and the adoption by the National Assembly of the amended law on the composition of the Independent Electoral Commission, the nationality code and the law on identification. It also insisted on adequate security guarantees during the process and that the requisite funding be secured before the start of the process. As to the disarmament and dismantling of the militias, while a symbolic handover of weapons by four of the main pro-Government militias operating in the west took place in Guiglo on 25 May, under the supervision of the chief of staff of FANCI, several of the militia members expressed a reluctance to disarm in the absence of adequate guarantees for their future. UNOCI was assisting the Prime Minister in developing a disarmament plan and was developing a training programme for the 600 Forces nouvelles members who would provide security in the north as soon as the cantonment of their forces began. On 28 April, President Gbagbo restored Ivorian Radio and Television to its original status and reinstated its board of directors.

In connection with the elections, an electoral review mission, led by the Electoral Assistance Division of the Department of Political Affairs, was deployed to Côte d’Ivoire from 20 May to 3 June to assess and review election preparations and make recommendations on further UN support. The mission found that the preparations for the elections had been subjected to delays and, unless the current slow pace of implementation was significantly increased, it would not be possible to meet the scheduled date of 30 October. Moreover, the Independent Electoral Commission did not enjoy the full support of all political actors, as the revised law on its composition had yet to be adopted. The situation was further compounded by the ambiguity surrounding the respective roles and responsibilities of the National Institute of Statistics and the Commission. As a result, preparing a budget for the elec-
toral process was not possible and donors were reluctant to provide funds. On 18 April, in Paris, four opposition parties—the Rally of Republicans, the Democratic Party of Côte d’Ivoire, the Movement of Forces of the Future and the Union for Democracy and Peace in Côte d’Ivoire—created a common electoral platform known as the “Rally of Houphouëtistes for Democracy and Peace”.

The continuing violence in the western part of Côte d’Ivoire remained a major cause for concern. Between 30 April and 2 May, 25 people were killed and 41 injured in Duékoué, Yetrozon, Blosky and Yae Zee, and more than 9,000 were displaced. On 31 May, traditional hunters attacked the villages of Guetrozon and Petit Duékoué, killing some 41 people and injuring 61 others. It appeared that FANCI soldiers in Guetrozon did little to stop the initial attacks. On 1 June, UNOCI personnel helped the Ivorian Defence and Security Forces stabilize the situation. UNOCI reinforced its presence in and around Duékoué in support of those forces. To address the critical situation in the west, the Special Representative met with the Government to discuss ways to strengthen security in and around Duékoué, and on 8 June, he called on the Ivorian authorities to investigate the Duékoué attacks.

The Secretary-General observed that the maintenance of security nationwide was essential for the implementation of the Pretoria Agreement to proceed smoothly. The recent killings in the Duékoué area underscored the need to reinforce UNOCI urgently to prevent any further deterioration of the situation in the west. He therefore requested the Council to authorize the deployment of an additional 2,076 troops and three formed police units comprising 375 officers. The Secretary-General hoped that the additional troops would be redeployed throughout the country to provide support for the elections. He urged donor countries to give urgent consideration to the provision of the needed resources, in particular technical and financial assistance for the disarmament, demobilization and reintegration and electoral processes and also for the restoration of State authority. The United Nations would continue to work closely with the AU, ECOWAS and other key partners in support of the implementation of the key provisions of the Pretoria Agreement.

In a later addendum [S/2005/398/Add.1], the Secretary-General reported that the financial implications of the additional personnel for nine months would amount to $86.1 million. The draft [S/2005/405] was prepared in consultations among Council members.

The Security Council,

Recalling its previous resolutions and the statements by its President relating to the situation in Côte d’Ivoire,


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, the agreement signed at Accra on 30 July 2004 (the Accra III Agreement) and the agreement signed at Pretoria on 6 April 2005 (the Pretoria Agreement),


Expressing its serious concern at the continued deterioration of the security and humanitarian situation, in particular after the tragic events that occurred in the west of the country,

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 that the mandate of the United Nations Operation in Côte d’Ivoire and of the French forces supporting it shall be extended, in this specific instance, for a period of seven months, until 24 January 2006;

2. Also decides that the United Nations Operation in Côte d’Ivoire shall have the following mandate from the date of adoption of the present resolution:

- Monitoring of the cessation of hostilities and movements of armed groups

(a) To observe and monitor the implementation of the joint declaration of the end of the war of 6 April 2005 and of the comprehensive ceasefire agreement of 3 May 2003, to prevent, within its capabilities and its areas of deployment, any hostile action, in particular within the Zone of Confidence, 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 among all the Ivorian forces involved;

(c) To assist the Government of National Reconciliation in monitoring the borders, with particular atten-
tion to the situation of Liberian refugees and to any cross-border 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 assist in ensuring the security of the disarmament, cantonment and demobilization sites;

(e) To support the Government of National Reconciliation in the implementation of the national programme for the disarmament, demobilization and reintegration of combatants, paying 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, paying 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 coordinated regional approach;

(h) To secure, neutralize or destroy any weapons, ammunition or any other materiel surrendered by the former combatants;

Disarmament and dismantling of militias

(i) To assist the Prime Minister of the Government of National Reconciliation in formulating and monitoring the implementation of the Joint Operation Plan for the disarmament and dismantling of militias envisaged in paragraph 4 of the Pretoria Agreement;

(j) To secure, neutralize or destroy all weapons, ammunition and other materiel surrendered by militias;

Protection of United Nations personnel, institutions and civilians

(k) To protect United Nations personnel, installations and equipment, ensure 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;

(l) To support, in coordination with the Ivorian and South African authorities, the provision of security for members of the Government of National Reconciliation;

Monitoring of the arms embargo

(m) To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572(2004) of 15 November 2004, in cooperation with the Group of Experts established pursuant to resolution 1584(2005) of 1 February 2005 and, as appropriate, with the United Nations Mission in Liberia, the United Nations Mission in Sierra Leone and Governments concerned, including by inspecting, as they deem it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d’Ivoire;

(n) To collect, as appropriate, arms and any related materiel brought into Côte d’Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572(2004), and to dispose of such arms and related materiel as appropriate;

Support for humanitarian assistance

(o) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions and taking into account the special needs of vulnerable groups, especially women, children and elderly people;

Support for the redeployment of State administration

(p) To facilitate, with the assistance of the African Union, 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, which is essential for the social and economic recovery of the country;

Support for the organization of open, free, fair and transparent elections

(q) To provide all necessary technical assistance to the Government of National Reconciliation, the Independent Electoral Commission and other relevant agencies or institutions, with the support of the African Union, the Economic Community of West African States and other international partners, for the organization of open, free, fair and transparent presidential and legislative elections within the time frames envisaged in the Constitution of the Republic of Côte d’Ivoire;

(r) To provide technical information, advice and assistance, as appropriate, to the High Representative referred to in paragraph 7 of resolution 1603(2005) of 3 June 2005;

(s) To contribute, within its capabilities and its areas of deployment, to the security of the areas where voting is to take place;

Assistance in the field of human rights

(t) To contribute to the promotion and protection of human rights in Côte d’Ivoire, with special attention to violence committed against children and women, to monitor and help to investigate human rights violations with a view to ending impunity, and to keep the Security Council Committee established pursuant to resolution 1572(2004) regularly informed of developments in this regard;

Public information

(u) 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, through the mission’s public information capacity, including its radio broadcasting capability;

(v) To monitor the Ivorian mass media, in particular with regard to any incidents of incitement by the media to hatred, intolerance and violence, and to keep the Security Council Committee established pursuant to resolution 1572(2004) regularly informed of the situation in this regard;

Law and order

(w) To assist the Government of National Reconciliation, in conjunction with the African Union, the Economic Community of West African States and other
international organizations, in restoring a civilian policing presence throughout Côte d'Ivoire, to advise the Government of National Reconciliation on the restructuring of the internal security services, and to assist the Ivorian parties in the implementation of temporary and interim security measures in the northern part of the country, as provided for in paragraph 6 of the Pretoria Agreement;

(a) To assist the Government of National Reconciliation, in conjunction with the African Union, the Economic Community of West African States and other international organizations, in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire;

3. Authorizes, for the period specified in paragraph 1 above, an increase in the military component of the United Nations Operation in Côte d'Ivoire of up to 850 additional personnel, as well as an increase in the civilian police component of up to a ceiling of 725 civilian police personnel, including three formed police units, and the necessary additional civilian personnel;

4. Authorizes the Secretary-General to take all the necessary steps in order to implement, as appropriate, relevant measures envisaged in paragraphs 19 to 23 and 76 (b) to (e) of his report of 2 March 2005 on inter-mission cooperation and possible cross-border operations between the United Nations Mission in Sierra Leone, the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire, subject to the agreement of the troop-contributing countries and, where relevant, of the Governments concerned and without prejudice to the performance of the mandates of those United Nations missions;

5. Requests the Secretary-General to seek the agreement of the countries contributing military and civilian police personnel to the United Nations Mission in Liberia, the United Nations Mission in Sierra Leone and the United Nations Operation in Côte d'Ivoire to redeploy such personnel as may be needed on a temporary basis to reinforce another of the above three missions, as appropriate, taking account of the need to ensure effective performance of the current mandates of those missions;

6. Authorizes, subject to the necessary prior steps referred to in paragraphs 4 and 5 above, including the agreement of the troop-contributing countries and, where relevant, the Governments concerned, the temporary redeployment of military and civilian police personnel among the United Nations Mission in Liberia, the United Nations Mission in Sierra Leone and the United Nations Operation in Côte d'Ivoire to deal with challenges which cannot be handled within the authorized personnel ceiling of a given mission, subject to the following conditions:

(a) The Secretary-General shall inform the Security Council in advance of his intention to proceed with such a redeployment, including its scope and duration, with the understanding that the implementation of the above-mentioned reinforcement will require a corresponding decision of the Council;

(b) Any forces redeployed shall continue to be counted against the authorized ceiling on military and civilian personnel of the mission from which they are being transferred and shall not count against the ceiling of the mission to which they are being transferred;

(c) Any such transfer shall not result in any increase in the total combined ceilings on military and civilian personnel deployed in the United Nations Operation in Côte d'Ivoire, the United Nations Mission in Sierra Leone and the United Nations Mission in Liberia determined by the Council in the respective mandates of the three missions;

(d) Any such transfer shall not have the effect of extending the deployment period of personnel deployed under the mandate of their original mission, unless the Council decides otherwise;

7. Decides to review the troop level of the United Nations Operation in Côte d'Ivoire by 31 December 2005, including the civilian police component, in the light of the situation in Côte d'Ivoire after the forthcoming general elections and on the basis of the tasks remaining to be carried out, with a view to further reduction as appropriate;

8. 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;

9. 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;

10. Underlines the importance of mainstreaming the gender perspective in peacekeeping operations and post-conflict peacebuilding and of appropriate expertise in this regard, and encourages the United Nations Operation in Côte d'Ivoire to actively address this issue;

11. Welcomes the efforts undertaken by the United Nations Operation in Côte d'Ivoire to implement the Secretary-General’s zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure that such acts are properly investigated and punished in cases involving their personnel;

12. Authorizes, from the date of adoption of the present resolution, 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 reached between the United Nations Operation in Côte d’Ivoire and the French authorities, and in particular:

(a) To contribute to the general security of the area of activity of the international forces;

(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) In consultation with the United Nations Operation in Côte d’Ivoire, to intervene against belligerent actions, if security conditions so require, outside the areas of deployment of the United Nations Operation in Côte d’Ivoire;
Tripartite Monitoring Group

The Tripartite Monitoring Group, set up to review progress in the implementation of the Accra III Agreement, signed by the parties in 2004 [YUN, 2004. p. 182], which provided a framework and timetable for the reactivation of the peace process, issued six reports in 2005 covering the periods from 18 December 2004 to 28 February 2005 [S/2005/82, S/2005/175], 1 March to 30 June [S/2005/395, S/2005/463], and 1 July to 31 August [S/2005/539, S/2005/611]. As of June, the Group’s work was extended to reviewing implementation of the Pretoria Agreement.

Monitoring Group report (July). On 15 July [S/2005/463], the Secretary-General forwarded to the Security Council the fifteenth report of the Tripartite Monitoring Group on the implementation of the Accra III Agreement and the Pretoria Agreement. According to the report, although the Pretoria Agreement emphasized the critical importance of adopting the laws stemming from the Linas-Marcoussis Agreement, the disarmament process leading to the reunification of the country, and the creation of conditions conducive to the holding of elections in October, the outbreak of pockets of inter-communal violence and political bickering had brought the peace process to a standstill. Aside from the invocation by President Gbagbo of the exceptional powers under Article 48 of the Constitution to authorize the candidacy of Alassane Ouattara, and the signing of decrees restoring the Ivorian Radio and Television to its pre-November 2004 status, no further progress was recorded in the implementation of the legislative components of the Agreement.

Meanwhile, President Mbeki convened another meeting of the signatories to the Pretoria Agreement on 28 and 29 June in order to take stock of the progress in the implementation of the Agreement. After intensive discussions, the parties issued a “Declaration on the Implementation of the Pretoria Agreement on the peace process in Côte d’Ivoire”. In the Declaration, in addition to reaffirming the importance of moving speedily towards the holding of elections in October, the parties agreed that the dismantling and disarmament of militias should be completed by 20 August, and that the Troika, comprising UNOCI, the Office of the Ivorian Prime Minister and the AU mediation, would determine any additional measures that might be required to expedite the process.

Regarding the disarmament, demobilization and reintegration of ex-combatants, the parties agreed that the chiefs of staff of FANCI and the Forces nouvelles would meet on 7 July to finalize a disarmament, demobilization and reintegration timetable. The parties also called on the National Assembly to adopt by 15 July amendments to laws on the Independent Electoral Commission, the financing of political parties, national identity, identification, the Human Rights Commission, the print media and audio-visual communication. Failing to do so, the Mediator would be authorized to decide on “exceptional measures”, which President Gbagbo would take to ensure the adoption of the amendments. The parties also agreed that the AU should impose sanctions against those who failed to implement the Pretoria Agreement and blocked the peace process. In that regard, the Mediator would recommend that the Security Council impose the targeted sanctions envisaged in resolution 1572(2004) [YUN, 2004. p. 172].

SECURITY COUNCIL ACTION

On 6 July [meeting 3221], following consultations among Security Council members, the President made statement S/PRST/2005/28 on behalf of the Council:

The Security Council has taken note with interest of the Declaration on the implementation of the Pretoria Agreement on the peace process in Côte d’Ivoire signed on 29 June 2005 at Pretoria under the auspices of the African Union mediator, President Thabo Mbeki.

The Council welcomes the efforts undertaken by the African Union mediation so that the forthcoming elections in Côte d’Ivoire are credible and are held as planned, and reiterates its full support to the African Union mediator.

The Council recalls that it has endorsed the Pretoria Agreement signed on 6 April 2005.

The Council demands that all the signatories to this Agreement and all the Ivorian parties concerned implement fully and without delay all the commitments made with the African Union mediation and comply scrupulously with the timetable agreed on 29 June 2005 in Pretoria.

The Council affirms that it stands ready, in close consultation with the African Union mediation, to implement individual sanctions provided for in paragraphs 9 and 11 of resolution 1572(2004) against those who do not comply with those commitments or who constitute an obstacle to their full implementation.

Further developments

Visit of High Representative to Côte d’Ivoire.

The High Representative for the elections in
Côte d’Ivoire, António Monteiro, in response to Security Council resolution 1603(2005), visited Côte d’Ivoire from 8 to 18 August. In his report, transmitted by the Secretary-General on 12 September [S/2005/584], the High Representative said that, in his meetings with a wide spectrum of actors, diplomatic representatives and international organizations, two principal issues were of concern to him—the conformity of the legislative package adopted by President Gbagbo with the relevant agreements, and the urgency of appointing a reconstituted Independent Electoral Commission. During the discussions, the G-7 opposition parties conveyed their dissatisfaction with certain aspects of the legislative package but made a clear commitment to designate their representatives on the reconstituted Independent Electoral Commission. The Forces nouvelles, on 18 August, following internal consultations, indicated to the High Representative their firm commitment to nominate their representative to the Commission.

In his meeting with President Mbeki, the High Representative discussed concerns expressed by the parties that the legislative package did not fully respect the Linas-Marcoussis and Pretoria Agreements and those grey areas requiring clarification. They arrived at an agreement on those issues about which they would write President Gbagbo. On the question of funding the electoral process, the High Representative drew attention to the $31 million still needed in the electoral budget, the result of institutional uncertainty and donor reticence because of the apparent lack of a genuine political commitment to push the peace process forward. He urged the Security Council to approach major donors for the necessary funding.

The High Representative stated that he had been advised by technical experts that the feasibility of holding elections by 30 October seemed increasingly problematic and that it would be preferable to leave the debate on that question until after the establishment of the Independent Electoral Commission, by which time a decision could be taken on a new date. In the meantime, the Commission’s main task would be to draft and promote acceptance by all parties of an electoral code of conduct.

Communiqué of AU Peace and Security Council. The AU Peace and Security Council, in a communiqué issued at its eighth meeting (New York, 14 September) [S/2005/598], expressed concern over the lack of political will by the Ivorian parties to fully implement the various agreements reached, especially concerning the dismantling and disarming of militias, the disarmament, demobilization and rehabilitation programme and the creation of conditions conducive to elections. It called on them to honour their obligations and expressed its readiness to continue to cooperate with the United Nations on the best ways to support and advance the peace process.

Report of Secretary-General. The Secretary-General, in his September report [S/2005/604] on UNOCI, submitted in response to resolution 1603(2005), said that, since the signing of the Declaration on the Implementation of the Pretoria Agreement, some progress was made in carrying out the legislative reforms envisaged in the Linas-Marcoussis and Pretoria Agreements. On 10 July, realizing that the National Assembly would not pass the amended laws on time, due to continued resistance from the majority party, the Ivorian Popular Front, President Mbeki formally requested President Gbagbo to use his exceptional powers under article 48 of the Ivorian Constitution to ensure the adoption of the amended laws within the time frame stipulated by the Declaration. On 15 July, in response to that request, the President signed a series of decrees promulgating revised versions of the laws on the Independent Electoral Commission, nationality, identification, the Human Rights Commission, and the print media and audio-visual communications.

The Forces nouvelles and the members of the G-7 opposition parties expressed strong reservations on several of the revised texts, claiming that they still did not conform to the spirit of the Linas-Marcoussis Agreement. In the light of those concerns, President Gbagbo, on 29 August, promulgated new versions of the law on the Electoral Commission, the nationality code and the naturalization law, bringing them into conformity with the Linas-Marcoussis Agreement. However, controversy over the political process continued. On 1 September, in response to a statement by the South African Deputy Foreign Minister, Aziz Pahad, blaming the opposition forces for blocking the peace process, the Forces nouvelles declared that they would no longer work with the AU mediation, as it was biased towards President Gbagbo, and called on the AU Chairman, Nigerian President, Olusegun Obasanjo, to determine how best to move the peace process forward. On 30 October, the Forces nouvelles Secretary-General stated that President Gbagbo would no longer be President and called on all concerned to work together to put in place a transitional government.

Meanwhile, efforts continued towards the rehabilitation of the disarmament sites. At a meeting held in Yamoussoukro (7-9 July), the chiefs of staff of FANC and the Forces nouvelles agreed on a timetable for starting the pre-cantonment of
forces on 31 July and the actual disarmament and demobilization of combatants between 26 September and 3 October. They also agreed on linking implementation of the various phases of the disarmament, demobilization and reintegration of forces to other key provisions of the Pretoria Agreement and to establish a joint committee for the restructuring of the defence and security forces. According to the Office of the Prime Minister, as at 26 August, five of the nine disarmament sites in the north and five of the six sites in the south had already been rehabilitated. Some 2,000 militia members in the west were expected to be integrated into the programme.

The security situation in Côte d’Ivoire remained unpredictable and volatile. Following the attacks, in early June, on the villages of Guezozon and Petit Duekoué in the west of the country, UNOCI strengthened its presence in the area and conducted joint patrols with FANCI. UNOCI’s efforts to maintain a secure and stable environment were severely hampered by increased obstruction of the Mission’s movements and operations in various parts of the country. Tensions were exacerbated by inflammatory statements made by the former FANCI chief of staff, calling for the departure of President Gbagbo and threatening to resort to “all necessary means” if the international community failed to ensure his departure. The Special Representative protested those obstructions to President Gbagbo, who, in a nationwide address, called on all Ivorians to allow the impartial forces to move freely throughout the country.

Concerning the elections, on 25 August, the Forces nouvelles declared that the elections could not be held on 30 October since the necessary conditions, including the identification of all Ivorians, had not been met and that a political transition would be required. It reaffirmed its willingness to designate its representatives to the Independent Electoral Commission, subject to certain conditions, including participation in the Commission’s local organs and the exclusion of the National Institute of Statistics from the electoral process. On 29 August, in Abidjan, the political opposition also declared that it would not be possible to hold the elections on 30 October, while stressing the need for a transitional period, during which President Gbagbo would not be in power.

Under the current circumstances, the Secretary-General agreed that the elections could not be held on 30 October as required by the Ivorian Constitution, and urged that the parties agree on a new time frame for that process. He urged all Ivorian parties to exercise the utmost restraint and to cooperate fully with all key stakeholders.

International partners were urged to remain engaged and support the peace process, humanitarian needs and long-term development.

**Decision of AU Peace and Security Council (October).** The AU Peace and Security Council, meeting in Addis Ababa, Ethiopia, at the level of Heads of State and Government, in a communiqué issued on 6 October [S/2005/639], endorsed the observations of the ECOWAS Extraordinary Summit (Abuja, Nigeria, 30 September) on the end of the mandate of President Laurent Gbagbo on 30 October, and the impossibility, recognized by all Ivorian parties, of organizing presidential elections on the scheduled date; and its decision that the arrangements agreed upon in the Linas-Marcoussis Agreement should continue from 31 October 2005 to 31 October 2006, during which President Gbagbo would continue as Head of State. A new Prime Minister, acceptable by all Ivorian parties, would be appointed and the Government would continue to discharge its responsibilities. The Prime Minister would not be eligible to stand for election. To assist the Government, a ministerial International Working Group (IWG) would be established to evaluate, monitor and follow up the peace process, including the road map agreed upon in Pretoria, and the parties invited to a Forum for National Dialogue in Yamoussoukro. It also decided to submit its decision to the UN Security Council and to dispatch a high-level delegation to Côte d’Ivoire, comprising the Presidents of Nigeria and South Africa to meet with President Gbagbo and other Ivorian parties.

**Security Council consideration.** The Security Council, meeting on 15 October [meeting 5278] to discuss the situation in Côte d’Ivoire, was briefed by Nigeria’s Minister for Foreign Affairs, Oluwemii Adeniji, AU Commissioner Said Djinnit, the Secretary-General’s Special Representative for Côte d’Ivoire, Pierre Schori, and the High Representative for elections in Côte d’Ivoire, António Monteiro.

As requested by the AU Peace and Security Council, Foreign Minister Oluwemii Adeniji submitted its 6 October decision (above) to the UN Security Council, drawing particular attention to the request that the Council consider a substantial increase in UNOCI strength.

The AU Commissioner, in his briefing, said that the AU Peace and Security Council, in adopting its 6 October decision, aimed to inject new impetus into the peace process. He observed that the Ivorian parties and the international community needed to take full advantage of the 12-month period decided by the Peace and Security Council to address all outstanding issues. The international community, together with the UN Se-
cality Council, needed to convey a strong signal to the parties as to their determination and cohesion. The United Nations should strengthen its role and presence, both in terms of providing UNOCI with the means to discharge its mandate effectively and reinforcing the authority of the High Representative for elections. The parties had to comply with their commitments and obligations and the international community had to exert more pressure and sanctions against the defaulting parties.

The Secretary-General’s Special Representative urged the Council to endorse the 6 October AU decision to send a strong message of the unity of purpose of the international community and encourage the urgent convening of ICG to define a new timetable, with key benchmarks, for the implementation of the remaining provisions of the Pretoria Agreement. The Prime Minister and the Government should be in place as soon as possible and recommendations made on the role of the legislature after December. Presidents Obasanjo and Mbeki should be supported in their visit to Côte d’Ivoire, and the UN role should be clarified.

Reporting on the election process, the High Representative for the elections in Côte d’Ivoire said that, with the composition of the Independent Electoral Commission finalized, additional time was needed to allow for the application of all legal formalities and to resolve the issue of multiple nominations by one party. On 29 September, President Gbagbo signed a decree establishing the new Independent Electoral Commission, the first meeting of which was scheduled to be held on 19 October. The High Representative said that the Commission’s most difficult tasks would be the identification question and the criteria for voter eligibility. He was exploring with political leaders the idea of voters’ cards, with photograph and fingerprint. The High Representative concluded that the 12-month period proposed by the AU was largely sufficient for the preparation and holding of free and fair elections.

SECURITY COUNCIL ACTION

On 14 October [meeting 5281], following consultations among Security Council members, the President made statement S/PRST/2005/49 on behalf of the Council:

The Security Council heard briefings by the Minister for Foreign Affairs of Nigeria, Mr. Oluwemi Adeniji, the Commissioner for Peace and Security of the African Union, Mr. Said Djinnit, the Special Representative of the Secretary-General for Côte d’Ivoire, Mr. Pierre Schori, and the High Representative for the elections in Côte d’Ivoire, Mr. António Monteiro, during its meeting held on 15 October 2005.

The Security Council appreciates the efforts of the African Union, in particular President Thabo Mbeki of the Republic of South Africa and President Olusegun Obasanjo of the Federal Republic of Nigeria, Chairman of the African Union, the Economic Community of West African States, the leaders of the region, the Special Representative of the Secretary-General and the High Representative for the elections to promote peace and stability in Côte d’Ivoire, and reiterates its full support for those efforts.

The Security Council endorses the decision of the Peace and Security Council of the African Union on the situation in Côte d’Ivoire adopted at its 40th meeting, held at the level of Heads of State and Government in Addis Ababa on 6 October 2005, expresses its intention to take rapidly all necessary measures to support, as appropriate, its implementation, in order to organize free, fair, open, transparent and credible elections as soon as possible and no later than 31 October 2006, and looks forward to regular reports on its implementation in accordance with paragraph 10 (v), of the decision of the Peace and Security Council.

The Security Council takes note, in particular, of the request of the Peace and Security Council for an increase in the strength of the United Nations Operation in Côte d’Ivoire, without prejudice to any future decision or commitment of the Security Council in this regard. The Council expresses its intention to consider whether to provide additional resources to the United Nations Operation in Côte d’Ivoire, based on careful study of conditions in the country and evidence of meaningful progress towards implementation of the commitments made under the Linas-Marcoussis Agreement and other relevant agreements.

The Security Council reaffirms that it endorsed the Linas-Marcoussis Agreement, the Accra III Agreement and the Pretoria Agreement and demands that all the Ivorian parties signatories to those Agreements, as well as all the Ivorian parties concerned, implement fully and without delay their commitments under those Agreements, in accordance with the decision of the Peace and Security Council.

The Security Council welcomes the forthcoming visit of a high-level delegation to Côte d’Ivoire led by Presidents Obasanjo and Mbeki, expresses its full support for it and urges all the Ivorian parties to cooperate fully and in good faith with this delegation, in particular in order to ensure the rapid implementation of the decision of the Peace and Security Council and the early appointment of a Prime Minister acceptable to all parties and to guarantee, with the support of the United Nations, the organization of free, fair, open, transparent and credible elections.

The Security Council also expresses its full support for the forthcoming visit to the region of the Chairman of the Security Council Committee established pursuant to resolution 1572(2004) and underlines that the purpose of this visit is to assess the progress made by all parties towards the implemen-
tation of their commitments, bearing in mind the mandate of the Committee under paragraphs 9 and 11 of resolution 1572(2004), and to remind all Ivorian parties of their responsibilities for the full and rapid implementation of the peace process.


The Security Council,

Recalling its previous resolutions and the statements by its President relating to the situation in Côte d’Ivoire,

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, the agreement signed at Accra on 30 July 2004 (“the Accra III Agreement”) and the agreement signed at Pretoria on 6 April 2005 (“the Pretoria Agreement”),

Reaffirming that the Linas-Marcoussis, Accra III and Pretoria Agreements remain the appropriate framework for the peaceful and lasting solution to the crisis in Côte d’Ivoire,

Having taken note of the decision of the Peace and Security Council of the African Union adopted at its fortieth meeting, held at the level of Heads of State and Government in Addis Ababa on 6 October 2005 (“the decision of the Peace and Security Council”),

Having taken note also of the creation of an International Working Group at the ministerial level (“the International Working Group”) and of a day-to-day mediation undertaken by representatives of the International Working Group (“the Mediation Group”),

Having heard on 13 October 2005 briefings by the Minister for Foreign Affairs of Nigeria and the Commissioner for Peace and Security of the African Union on behalf of the African Union, the Special Representative of the Secretary-General for Côte d’Ivoire and the High Representative for the elections in Côte d’Ivoire, Mr. Pierre Schori, and of the High Representative of the African Union on the end of the mandate of President Laurent Gbagbo on 30 October 2005 and the impossibility of organizing presidential elections on the scheduled date, and of the decision of the Peace and Security Council, including its decision on the fact that President Gbagbo shall remain Head of State from 31 October 2005 for a period not exceeding two months, and demands that all the parties signatories to the Linas-Marcoussis Agreement, the Accra III Agreement and the Pretoria Agreement as well as all the Ivorian parties concerned implement it fully and without delay;

4. Supports the establishment of the International Working Group at the ministerial level and the Mediation Group, which should both be co-chaired by the Special Representative of the Secretary-General, urges the International Working Group to meet as soon as possible, and affirms that the secretariat of the International Working Group shall be coordinated by the United Nations, in accordance with paragraph 10 (vi) of the decision of the Peace and Security Council;

5. Urges the Chairman of the African Union, the Chairman of the Economic Community of West African States and the African Union Mediator to consult immediately with all the Ivorian parties in order to ensure that a new Prime Minister acceptable to all the Ivorian parties signatories to the Linas-Marcoussis Agreement is appointed by 31 October 2005, in accordance with paragraph 10 (ii) of the decision of the Peace and Security Council, and to maintain close contact with the Secretary-General throughout the process;

6. Expresses its full support for paragraph 10 (iii) of the decision of the Peace and Security Council, which stresses that the ministers shall be accountable to the Prime Minister, who shall have full authority over his or her Cabinet;

7. Reiterates the importance of having all ministers participate fully in the Government of National Reconciliation as underscored in the statement by its President of 25 May 2004, considers, therefore, that, when a minister is not participating fully in the Government, his or her portfolio should be assumed by the Prime Minister and requests the International Working Group to monitor closely the situation in this regard;

8. Stresses that the Prime Minister must have all the necessary powers according to the Linas-Marcoussis Agreement and all the governmental financial, material and human resources, particularly with regard to security, defence and electoral matters, to ensure the effective functioning of the Government, to guarantee security and the redeployment of the administration and public services throughout the territory of Côte d’Ivoire, to lead the programme of disarmament, de-
mobilization and reintegration and the operations of disarmament and dismantling of militias, and to ensure the fairness of the identification process and of voter registration, leading to the organization of free, open, fair and transparent elections, with the support of the United Nations;

9. Calls upon all Ivorian parties to ensure that the Prime Minister has all powers and resources described in paragraph 8 above and faces no hindrance or difficulty in implementing his or her tasks;

10. Requests the International Working Group, on the basis of paragraphs 10 (iii) and (v) of the decision of the Peace and Security Council, to verify that the Prime Minister has all the necessary powers and resources described in paragraph 8 above and immediately to report to the Security Council any hindrance or difficulty which the Prime Minister may face in implementing his or her tasks and to identify those responsible;

11. Invites the International Working Group, noting that the mandate of the National Assembly will end by 16 December 2005, to consult with all the Ivorian parties, in liaison, as appropriate, with the Forum for National Dialogue as referred to in paragraph II of the decision of the Peace and Security Council, with a view to ensuring that the Ivorian institutions function normally until the holding of the elections in Côte d’Ivoire, and to keep the Security Council and the Peace and Security Council informed in that regard;

12. Considers, as noted by the Peace and Security Council in paragraph 9 of its decision, that additional measures are required to expedite the implementation of some provisions of the Linas-Marcoussis, Accra III and Pretoria Agreements, in particular the disarmament, demobilization and reintegration process, the creation of conditions for holding free, fair, open and transparent elections, including the identification process and the registration of voters;

13. Requests, therefore, the International Working Group to draw up as soon as possible a road map in consultation with all Ivorian parties, with a view to holding free, fair, open and transparent elections as soon as possible and no later than 31 October 2006, concerning in particular:

(a) The appointment of a new Prime Minister as provided for in paragraph 5 above;

(b) The implementation of all outstanding issues as referred to in paragraph 12 above, recalling in this regard that the concomitant implementation of the identification process and of the cantonnement of the forces, as provided for in the national programme for disarmament, demobilization, reintegration and rehabilitation signed at Yamoussoukro on 14 May 2005, would expedite the creation of conditions for holding free, fair, open and transparent elections;

14. Demands that the Forces nouvelles proceed without delay with the disarmament, demobilization and reintegration programme in order to facilitate the restoration of the authority of the State throughout the national territory, the reunification of the country and the organization of the elections as soon as possible;

15. Affirms that the identification process must also start without delay;

16. Demands that all Ivorian parties stop all incitement to hatred and violence in radio and television broadcasting as well as in any other media;

17. Demands also the immediate disarmament and dismantling of militias throughout the national territory;

18. Recalls paragraphs 5 and 7 of the decision of the Peace and Security Council, and demands that all Ivorian parties refrain from any use of force and violence, including against civilians and foreigners, and from all kinds of disruptive street protests;

19. Urges countries neighbouring Côte d’Ivoire to prevent any cross-border movement of combatants or arms into Côte d’Ivoire;

20. Reiterates its serious concern at all violations of human rights and international humanitarian law in Côte d’Ivoire, and urges the Ivorian authorities to investigate those violations without delay in order to put an end to impunity;

21. Condemns the serious attacks against the personnel of the United Nations Operation in Côte d’Ivoire and the unacceptable obstacles to the freedom of movement of the United Nations Operation in Côte d’Ivoire and French forces, demands that all Ivorian parties cooperate fully in their operations, in particular by guaranteeing the safety, security and freedom of movement of their personnel, as well as associated personnel, throughout the territory of Côte d’Ivoire, and affirms that any obstacle to their freedom of movement or to the full implementation of their mandates would not be tolerated;

22. Takes note of paragraph 13 of the decision of the Peace and Security Council, recalls the statement by its President of 14 October 2005 and its decisions under resolution 1609(2005) of 24 June 2005, including paragraphs 4, 5 and 6 thereof, and expresses its intention to review the troop level of the United Nations Operation in Côte d’Ivoire by the end of its mandate on 24 January 2006, in the light of the situation in Côte d’Ivoire;

23. Recalls paragraph 12 of the decision of the Peace and Security Council and its support for the individual measures provided for in paragraphs 9 and 11 of resolution 1572(2004) of 15 November 2004, and reaffirms its readiness to impose those measures against any person who blocks the implementation of the peace process, as defined in particular by the road map mentioned in paragraph 13 above, who is determined to be responsible for serious violations of human rights and international humanitarian law in Côte d’Ivoire, who publicly incites hatred and violence, or against any person or entity who is determined to be in violation of the arms embargo;

24. Urges the International Working Group, which shall receive regular reports from the Mediation Group, and the Security Council Committee established pursuant to resolution 1572(2004) to evaluate, monitor and follow up closely the progress made with regard to the issues mentioned in paragraphs 14 to 18 above;

25. Decides to remain actively seized of the matter.

Communications. On 3 November [S/2005/707], the Secretary-General informed the Council President that, in accordance with resolution
The International Working Group (IWG), media monitoring; and humanitarian action. Disarmament and hindrance to freedom of movement; ration of security; respect for human rights; sanctions and citizenship; electoral process; restoration of governance; the political process; and human rights. The IWG had prepared a road map for the holding of free, fair, open and transparent elections no later than 31 October 2006, and to implement fully the road map established by the International Working Group at its first meeting, held in Abidjan on 8 November 2005.

Therefore, the Council expresses its deep concern at the persistent disagreements among Ivorian parties on the appointment of the Prime Minister and considers that the Prime Minister must be designated without any further delay. The Council stresses once again that the Prime Minister must have all the necessary powers and resources described in paragraph 8 of resolution 1633(2005).

The Council commends the initiatives undertaken by the Chairman of the African Union, the Chair of the Economic Community of West African States and the African Union Mediator, and notes that their consultations with the parties signatories to the Linas-Marcoussis Agreement have been held, as provided for by the decision of the Peace and Security Council of the African Union of 6 October 2005 and by resolution 1633(2005). It reiterates its full support for them and urges them to expedite their efforts. The Security Council urges them to identify as soon as possible the candidate for the office of Prime Minister that they deem acceptable to all parties signatories to the Linas-Marcoussis Agreement, given the consultations they have held.

The Council expresses its full support for the International Working Group, endorses its final communiqué of 8 November 2005, welcomes its decision to hold its second meeting in Abidjan on 6 December 2005, and urges the Group to keep the Council informed of the conclusions of its work.

The Council commends also the continuing efforts of the Special Representative of the Secretary-General for Côte d’Ivoire and the High Representative for the elections in Côte d’Ivoire, and reiterates its support for them. In particular, it encourages the Ivorian parties to cooperate fully with the High Representative to resolve the current dispute concerning the Independent Electoral Commission and reaffirms that the High Representative, in accordance with paragraph 7 of resolution 1603(2005), can make all the necessary determinations in order to help the electoral process to move forward.

The Council reaffirms its readiness, in close consultation with the African Union Mediation, to impose individual measures provided for in paragraphs 9 and 11 of resolution 1572(2004) and in resolution 1633(2005).

Report of Secretary-General. The Secretary-General, updating the Security Council on developments in Côte d’Ivoire, in a later report on UNOCI (S/2006/2), said that following the adoption of resolution 1633(2005), his Special Representative met with the Ivorian parties to explain its legal and political implications. The regional leaders appointed to facilitate consultations with the parties on the issue of the appointment of a new Prime Minister, as provided under that resolution, were unable to travel to Côte d’Ivoire be-
fore 31 October. The absence of a new Prime Minister, as the mandate of President Gbagbo came to an end on 30 October, resulted in a situation of uncertainty and heightened tensions in the country. On that date, President Gbagbo, in an address to the nation, stated that he would remain in power in view of the continued occupation of part of the country by the Forces nouvelles, based on a ruling made by the Constitutional Council on 29 October. The opposition parties and the Forces nouvelles rejected that interpretation and suspended their participation in the Council of Ministers. Both the opposition and the ruling party organized rallies in Abidjan to underscore their respective positions on the expiry of the President’s mandate. The Forces nouvelles also organized demonstrations in Bouaké and other areas in the north, demanding that President Gbagbo step down. To help calm the situation, the Secretary-General issued a statement on 29 October calling on the Ivoirian parties to exercise restraint, and based on consultations with Presidents Mbeki and Obasanjo, explained that Prime Minister Seydou Diarra would remain in office until a new Prime Minister was appointed. He also appealed to the parties to cooperate with the international partners in implementing resolution 1633(2005).

The regional leaders subsequently held a series of consultations with the Ivoirian parties on the appointment of a new Prime Minister, including a visit by President Obasanjo to Côte d’Ivoire on 4 November, during which the parties submitted a list of 16 candidates for the post, which was later reduced to a shortlist of four. Presidents Mbeki, Obasanjo and Mamadou Tandja of the Niger conducted further consultations with the parties in Abidjan on 22 November, but no agreement was reached on a candidate acceptable to all. Presidents Mbeki and Obasanjo returned to Abidjan on 4 December for the final round of consultations, at the end of which they announced the appointment of Charles Konan Banny, the Governor of the Central Bank for West African States, as the Prime Minister for the transition period. The Forces nouvelles and the ruling party, the Front Populaire Ivoirien, welcomed his appointment and shortly after, former Prime Minister Seydou Diarra and the Government of National Reconciliation tendered their resignations. Mr. Banny was sworn into office on 7 December. The formation of the new Government, which was announced on 28 December, paved the way for the implementation of the peace agreements.

International Working Group meeting (December). At its second meeting held on 6 December [S/2005/768], IWG assured Prime Minister designate Charles Konan Banny of its full support, and invited the AU Mediation Group to verify and report to it as to whether the Prime Minister held all powers and resources described in paragraph 8 of Security Council resolution 1633 (2005) and reaffirmed in its 30 November presidential statement (see p. 245). Should it become necessary during the transition period to enact legislation to ensure the expeditious implementation of the Government’s programme, the Council of Ministers would adopt decisions, which the Prime Minister would present within two days to the Head of State for signature within a maximum of five days.

The Group expressed concern over the protracted delay in the working of the Independent Electoral Commission, which had yet to become operational. It gave its full support to the High Representative on the consultations he had initiated to allow the Commission to function without delay as well as, if necessary, to use arbitration powers with regard to the constitution of the bureau, in accordance with resolutions 1603(2005) and 1633(2005) and the 30 November statement of the Council President. It resolved to help overcome any hindrance relating to the application of the individual sanctions imposed by the Council. It urged the Ivoirian media to abstain from any publication, radio or television broadcasting that undermined the peace and reconciliation process and encouraged the Prime Minister to take steps to improve the media environment. The Group updated the road map for holding the elections (see p. 245) with a view to organizing the elections by 31 October 2006.

SECURITY COUNCIL ACTION

On 9 December [meeting 5318], following consultations among Security Council members, the President made statement S/PRST/2005/60 on behalf of the Council:

The Security Council welcomes the appointment of Mr. Charles Konan Banny as Prime Minister of Côte d’Ivoire, and expresses its full support for him. It also commends the continued and decisive efforts of Presidents Olusegun Obasanjo, Thabo Mbeki and Mamadou Tandja, and reiterates its full support for them.

The Council endorses the final communiqué of the International Working Group of 6 December 2005. It recalls the previous final communiqué of the International Working Group, of 8 November 2005, which states, in particular, that the fundamental basis of the peace and national reconciliation process is enshrined in resolution 1633(2005) and that the International Working Group will provide all necessary support to the new Prime Minister and the Government that he will establish. The Council also reaffirms its support for the decision of the Peace and Security Council of the African Union, which
stresses that the ministers shall be accountable to the Prime Minister, who shall have full authority over his Cabinet.

The Council recalls and reaffirms that the Prime Minister must have all the necessary powers and resources described in resolution 1633(2005), and stresses the importance of the full implementation of that resolution by the Ivorian parties under the monitoring of the International Working Group. Therefore, the Council urges the establishment without delay of the Government so that the Prime Minister can implement as soon as possible the road map defined by the International Working Group, and requests the Mediation Group and the International Working Group to monitor this matter closely.

The Council reiterates its full support for the Special Representative of the Secretary-General for Côte d’Ivoire and the High Representative for the elections in Côte d’Ivoire.

Communication. The EU, on 13 December [S/2005/829], expressed satisfaction over the nomination of Charles Konan Banny to the post of Prime Minister and considered it necessary that Mr. Banny should be able to effectively exercise the powers granted by the Council.

Later developments. In a later report [S/2006/2], the Secretary-General said that the High Representative for the elections was consulted on the outline of an electoral schedule, which would form part of the road map for the overall peace process. On 30 November, he proposed an outline to the AU Mediation Group, which envisaged that the substantive work on the preparations for the elections would commence by the end of December, by which time the reconstituted Independent Electoral Commission was to be fully operational. The development of the legal framework for the electoral operations, including the identification and registration of voters and the distribution of electoral identity cards, would also begin.

Meanwhile, the Independent Electoral Commission encountered internal problems, resulting in serious delays in the envisaged schedule. The reconstituted Commission was sworn into office on 17 October, but was not able to function as some members boycotted it, protesting the procedures under which its bureau was elected on 19 October. The Front Populaire Ivoirien, the ruling party, took the dispute to the Supreme Court, which, on 25 November, nullified the election of the Commission’s bureau. The High Representative consulted with the parties and the Prime Minister on ways of resolving the dispute. He reported to IWG, which, in its communiqué of 6 December (see p. 246), expressed its full support for his initiative and affirmed that, if necessary, he should use his arbitration powers to assist in the constitution of the bureau.

At the expert meeting on disarmament, demobilization and reintegration, held on 8 November, specific recommendations were made to the Mediation Group on the need to update the disarmament, demobilization and reintegration timetable at the monthly IWG meetings; adopt measures for an immediate commencement of pre-cantonment of combatants and the disarmament and dismantling of the militias as soon as possible, as called for by Security Council resolution 1633(2005); create a task force to monitor and support the process of dismantling and disarming of the militia groups; and create a disarmament, demobilization and reintegration team coordinated by UNOCI and comprising representatives of the AU, ECOWAS, the AU mediation, the World Bank and the Licorne forces. The team would serve as a forum for the exchange of information and would facilitate the development of aconcerted and integrated approach to the disarmament, demobilization and reintegration process in Côte d’Ivoire.

The Secretary-General called upon the political parties to work with the Prime Minister and the High Representative for the elections in resolving the dispute within the Independent Electoral Commission. He fully supported the IWG view that, if need be, the High Representative should invoke his arbitration authority to decisively settle the matter.

With regard to the end of the mandate of the National Assembly on 16 December, the Mediation Group consulted with the Ivorian parties on the IWG decision concerning the procedure for dealing with emergency legislation during the transition period, following calls for the Assembly’s mandate to be extended.

The Secretary-General stated that the effective implementation of the road map for the transition period required that the Ivorian parties fully comply with their obligations under the various peace agreements.

Sanctions

The Security Council Committee established pursuant to resolution 1572(2004) [YUN 2004, p. 187] concerning Côte d’Ivoire, continued to monitor implementation of the arms embargo, travel restrictions and freeze of assets on designated individuals and entities imposed by that resolution. In 2005, the Committee held 7 formal meetings and 13 informal consultations. During the reporting period the Committee received several notes verbales from Member States period from 19 January to 9 August [S/AC.45/2005/1-38] on the implementation of the sanctions.

It considered reports submitted by Member States, in accordance with their obligations under
resolutions 1572(2004), containing information on measures they had taken to implement the resolution [S/AC.45/2005/1-38]. In a report on its activities during 2005 [S/2006/55], the Committee Chairman informed that, on 13 June 2005, the Committee adopted guidelines for its work, including procedures for listing and delisting individuals and entities subject to the targeted sanctions. It considered several arms embargo monitoring reports and media monitoring reports prepared by UNOCI. The Committee considered the interim and final reports of the Group of Experts established by the Council under resolution 1584(2005) to assess compliance with the sanctions and on 14 December, began consideration of the Group’s updated report, in accordance with resolution 1632(2005) (see p. 250).

The Committee Chairman visited Côte d’Ivoire from 18 to 21 October to assess progress made by all parties towards implementation of their commitments and submitted his report to the Council (see p. 251).

SECURITY COUNCIL ACTION


The Security Council,

Recalling its resolutions 1528(2004) of 27 February 2004 and 1572(2004) of 15 November 2004, as well as the relevant statements by its President, in particular those of 5 August, 6 November and 16 December 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 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, and the agreement signed at Accra on 30 July 2004 (the Accra III Agreement),

Deploring once again the repeated violations of the ceasefire agreement of 3 May 2003,

Strongly recalling the obligations of all Ivorian parties, the Government of Côte d’Ivoire as well as the Forces nouvelles, to comply fully with the ceasefire agreement of 3 May 2003, to refrain from any violence, in particular against civilians, including foreign citizens, and to cooperate fully with the activities of the United Nations Operation in Côte d’Ivoire,

Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of West African States towards re-establishing peace and stability in Côte d’Ivoire, and reaffirming in this regard its full support to the ongoing facilitation mission undertaken by Mr. Thabo Mbeki, President of the Republic of South Africa, on behalf of the African Union,

Welcoming also the decision of the Peace and Security Council of the African Union on Côte d’Ivoire taken on 10 January 2005 in Libreville, and noting its communiqué issued on that occasion,

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. Reaffirms its decision in paragraph 7 of resolution 1572(2004) that all States, particularly those bordering Côte d’Ivoire, shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d’Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities;

2. Authorizes the United Nations Operation in Côte d’Ivoire and the French forces supporting it, within their capacity and without prejudice to their mandate set out in resolution 1528(2004) and paragraph 3 below:

(a) To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572(2004), in cooperation with the group of experts referred to in paragraph 7 below, and, as appropriate, with the United Nations Mission in Liberia, the United Nations Mission in Sierra Leone and Governments concerned, including by inspecting, as they deem it necessary and, as appropriate, without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d’Ivoire;

(b) To collect, as appropriate, arms and any related materiel brought into Côte d’Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and to dispose of such arms and related materiel as appropriate;

3. Requests the French forces supporting the United Nations Operation in Côte d’Ivoire, in addition to their mandate set out in resolution 1528(2004), to provide, as appropriate, security assistance to the United Nations Operation in Côte d’Ivoire in carrying out the tasks set out in paragraph 2 above;

4. Acknowledges that the appropriate civilian expertise within the United Nations Operation in Côte d’Ivoire is needed to fulfil the tasks set out in paragraph 2 above, to the extent that no additional resources are required;

5. Demands that all Ivorian parties, including the Government of Côte d’Ivoire and the Forces nouvelles, provide unhindered access, particularly to equipment, sites and installations referred to in paragraph 2 above, to the United Nations Operation in Côte d’Ivoire and French forces supporting it to enable them to carry out the tasks set out in paragraphs 2 and 3 above;

6. Requests the Secretary-General and the Government of France to report immediately to the Security Council, through the Security Council Committee established pursuant to paragraph H of resolution 1572 (2004) (the Committee), any hindrance or difficulty in implementing the tasks described in paragraph 2 (b) above, so that the Council can consider all appropriate measures against any individual or group that hinders the implementation of those tasks;

7. Requests the Secretary-General, in consultation with the Committee, to create, as referred to in para-
Graph 17 of resolution 1572(2004), within thirty days of the date of adoption of the present resolution, and for a period of six months, a group of experts consisting of no more than three members (the Group of Experts), having the necessary skills to perform the following mandate:
(a) To examine and analyse information gathered by the United Nations Operation in Côte d’Ivoire and the French forces in the context of the monitoring mandate set out in paragraph 2 above;
(b) To gather and analyse all relevant information in Côte d’Ivoire, in 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, and provision of assistance, advice or training related to military activities, as well as networks operating in violation of the measures imposed by paragraph 7 of resolution 1572(2004);
(c) To consider and recommend, where appropriate, ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed by paragraph 7 of resolution 1572(2004);
(d) To report to the Council in writing within ninety days of its establishment, through the Committee, on the implementation of the measures imposed by paragraph 7 of resolution 1572(2004), with recommendations in this regard;
(e) To keep the Committee regularly updated on its activities;
(f) To exchange with the United Nations Operation in Côte d’Ivoire and the French forces, as appropriate, information that might be of use in fulfilling its monitoring mandate set out in paragraph 2 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 7 of resolution 1572(2004), and those found to have supported them in such activities, for possible future measures by the Council;
(h) To cooperate with other relevant groups of experts, in particular the group of experts on Liberia established pursuant to resolutions 1521(2003) and 1528(2004); and
(i) To exchange with the United Nations Operation in Côte d’Ivoire and the French forces, information that might be of use in fulfilling its monitoring mandate set out in paragraph 2 above.

8. Calls upon the Government of Côte d’Ivoire and the Forces nouvelles, specifically their armed forces, to cooperate with the United Nations Operation in Côte d’Ivoire in establishing, within forty-five days of the date of adoption of the present resolution, a comprehensive list of armaments in the possession of those armed forces and in possession of paramilitary troops and militias associated with them, as well as their location, in particular aircraft and their armament of any kind, missiles, explosive devices, artillery of any calibre, including anti-aircraft artillery, and armoured and non-armoured vehicles, in order to help the United Nations Operation in Côte d’Ivoire to fulfil the tasks set out in paragraph 2 above and to assist in undertaking the regrouping of all the Ivorian forces involved and implementing the national programme for the disarmament, demobilization and reintegration of combatants in accordance with resolution 1528(2004).

9. Requests the Secretary-General to communicate as appropriate to the Council, through the Committee, information gathered by the United Nations Operation in Côte d’Ivoire and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d’Ivoire.

10. Requests also the Government of France to communicate as appropriate to the Council, through the Committee, information gathered by the French forces and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d’Ivoire.

11. Urges all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, the United Nations Operation in Côte d’Ivoire and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraph 7 of resolution 1572(2004).

12. Expresses its grave concern at the use of mercenaries by both Ivorian parties, and urges both sides immediately to desist from this practice;

13. Recalls its request, set out in paragraph 15 of resolution 1572(2004), to all States, in particular those in the region, to report to the Committee on steps they have taken to implement the measures imposed by paragraph 7 of resolution 1572(2004);

14. Expresses its intention to consider the recommendations of the Secretary-General contained in his report of 9 December 2004, and the addendum thereto;

15. Decides to remain actively seized of the matter.

On 29 March [S/2005/291], the Secretary-General, as requested in resolution 1584(2005) (above), informed the Council of his intention to appoint, in consultation with the Council’s Committee established in accordance with resolution 1572(2004) [YUN 2004, p. 187], Gilbert Charles Barthé (Switzerland), Atabou Bodian (Senegal) and Alex Vines (United Kingdom) to the Group of Experts concerning Côte d’Ivoire. On 3 June [S/2005/368], he informed the Council of the appointment of Jean-Pierre Witty (Canada) to replace Gilbert Charles Barthé, who was unable to take up his appointment.

Report of Group of Experts (July). In accordance with resolutions 1572(2004) and 1584(2005), the Group of Experts issued a July interim report [S/2005/470] on the situation in Côte d’Ivoire. The Panel, which began its mandate on 18 April, visited France and the United Kingdom and held consultations in New York before visiting Côte d’Ivoire’s neighbours (Guinea, Mali, Burkina Faso and Senegal). In May it visited Portugal and Côte d’Ivoire. In Côte d’Ivoire, the Panel liaised closely with political, police and military branches of UNOCI. It also met with the French Licorne forces. The Panel visited all the country’s airports and took into account the Secretary-General report’s [S/2005/155] on inter-mission cooperation.

On 18 October [meeting 5283], the Council unanimously adopted resolution 1632(2005). The
draft \[S/2005/603\] was prepared in consultations among Council members.

The Security Council,


Welcoming the ongoing efforts of the Secretary-General, the African Union and the Economic Community of Western African States towards re-establishing peace and stability in Côte d'Ivoire,

Recalling the interim report of the Group of Experts created by the Secretary-General pursuant to paragraph 7 of resolution 1572(2004), and anticipating the receipt of its final report,

Determining that the situation in Côte d'Ivoire 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 mandate of the Group of Experts until 15 December 2005, and requests the Secretary-General to take the necessary administrative measures;

2. Requests the Group of Experts to submit to the Security Council, through the Committee established pursuant to paragraph 1 of resolution 1584(2005), a brief written update on the implementation of the measures imposed by paragraph 7 of resolution 1572(2004) and reaffirmed by paragraph 1 of resolution 1584(2005), with recommendations in this regard;

3. Decides to remain actively seized of the matter.

On 2 November \[S/2005/696\], the Secretary-General informed the Council of his intentions to reappoint members of the Group of Experts, in accordance with resolution 1584(2005), until 15 December.

Report of Group of Experts (November). In November \[S/2005/690\], the Chairman of the Security Council Committee established pursuant to resolution 1572(2004) transmitted to the Council President the final report of the Group of Experts on the situation in Côte d'Ivoire. The report examined the political context, defence expenditure and natural resources, the effectiveness of the sanctions and possible violations of the arms embargo. The Group found that, despite rumours of fresh supplies of weapons and ammunition reaching the militias, there was no evidence of recent deliveries to those groups. It noted during its visits to Côte d'Ivoire many speculative articles in the Ivorian press alleging massive violations of the embargo, most of which were inaccurate. It reported that a number of countries had suspended or blocked the export of military goods and services to Côte d'Ivoire and many were forthcoming with information that assisted the Group in its task. However, there was widespread frustration on the part of Member States at not being able to implement fully resolution 1572(2004) because the Sanctions Committee had failed to provide them with the names of individuals or organizations for an assets freeze or travel ban. The Group noted that the Committee needed to urgently clarify that issue.

The Group noted that Côte d'Ivoire defence expenditure was high and urged the Council to call upon the Government to submit a comprehensive breakdown of those expenditures for 2005 as a matter of urgency. As for Forces nouvelles, it noted that the natural resources under its control funded its military activities, especially the proceeds from cocoa, cotton and diamonds. The Panel indicated that the fruit terminal at the port of Abidjan was a strategic location for the unloading of military goods and equipment and highlighted the need for better declaration procedures and the strengthening of UNOCI monitoring capabilities. Meanwhile, the Group noted that, even though the export of diamonds from Côte d'Ivoire was illegal, there was no credible evaluation of illicit export volumes of rough diamonds. UNOCI and the secretariat of the Kimberley Process (an international arrangement for the certification of rough diamonds) needed to investigate the production and illicit export of diamonds and make public reports of their findings. The Council should also call upon the Government to commission an audit of all cocoa agencies to be completed by May 2006.

The Group concluded that neither the Government nor the Forces nouvelles had a strategic need for, or the financial capability to procure heavy and light weapons. Their immediate needs were for transport, including helicopters. While UNOCI was vigilant concerning air assets importations, it was less focused on the increasing number of vehicles imported for military use by FANCI and the Forces nouvelles. The Group highlighted what it called a “dual-use loophole” and called for its remedy through the drafting of a tighter definition by the Council. It recommended that the Committee request Belarus, Bulgaria, Côte d'Ivoire and Togo to report on the ownership of certain aircraft at Lomé airport. The Group noted that Côte d'Ivoire had not made submissions to the United Nations Register of Conventional Arms and recommended that it submit a baseline statement of acquisitions in its possession. It welcomed the establishment by the Government of Côte d'Ivoire, in May, of the National Commission for the ECOWAS Moratorium on Small Arms and Light Weapons and hoped that it would play an active role in the negotiations to transform the moratorium into a binding regional convention.
Report of Committee Chairman. The Committee Chairman, Adamantios Th. Vassilakis, visited Côte d’Ivoire from 18 to 21 October. His report, submitted to the Council on 9 December [S/2005/790], assessed the progress made by all parties towards the implementation of their commitments. The Chairman stated that the sanctions had proved to be an effective tool and deterrent, although there was scepticism among some regarding their positive effects, in particular about their power to change the behaviour of targeted individuals. There was strong agreement that individual sanctions should be applied without further delay to force the parties to implement the agreements reached and to prevent incitement to hatred and violence, human rights violations and abuses. Although the Group of Experts on Côte d’Ivoire did not find major violations of the arms embargo, there were indications that large quantities of arms were at the disposal of the population.

The Chairman recommended that the Council and the Committee should keep the situation under close review until resolution 1633(2005) (see p. 243) was fully and unconditionally implemented and the disarmament of the Forces nouvelles, the militias and the defence groups completed. The Committee should consider taking prompt action against any individuals hindering the peace process, violating the arms embargo, inciting hatred, violence or intolerance or committing violations or abuses of human rights or humanitarian law. He suggested that the Council should consider the report of the International Commission of Inquiry for Côte d’Ivoire [YUN 2004, p. 117] and that the Sanctions Committee discuss the annexes, as suggested by the Secretary-General, with a view to putting an end to impunity.

While the request of the AU and the Mediator to withhold action that would have a negative effect on the peace process was justified, the Council should not leave unanswered any actions that might give the impression that it allowed impunity.

SECURITY COUNCIL ACTION


The Security Council,

Recalling its previous resolutions and the statements by its President relating to the situation in Côte d’Ivoire,

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, the agreement signed at Accra on 30 July 2004 (the Accra III Agreement) and the agreement signed at Pretoria on 6 April 2005 (the Pretoria Agreement), as well as the decision of the Peace and Security Council of the African Union on the situation in Côte d’Ivoire adopted at its fortieth meeting, held at the level of Heads of State and Government in Addis Ababa on 6 October 2005,

Commending the efforts of the Secretary-General, the African Union, in particular President Olusegun Obasanjo of the Federal Republic of Nigeria, Chairman of the African Union, and President Thabo Mbeki of the Republic of South Africa, Mediator of the African Union, President Mamadou Tandja of the Republic of the Niger, Chairman of the Economic Community of West African States, and the leaders of the region to promote peace and stability in Côte d’Ivoire, and reiterating its full support for them,

Recalling the final communiqué of the International Working Group of 8 November 2005, which states in particular that the fundamental basis of the peace and national reconciliation process is enshrined in resolution 1633(2005) of 21 October 2005, and recalling also the final communiqué of the International Working Group of 6 December 2005,

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, in particular against civilians, including foreign citizens, and to cooperate fully with the activities of the United Nations Operation in Côte d’Ivoire,

Expressing its serious concern at the persistence of the crisis in Côte d’Ivoire and of obstacles to the peace and national reconciliation process from all sides,

Reiterating its firm condemnation of all violations of human rights and international humanitarian law, including the use of child soldiers, in Côte d’Ivoire,

Taking note of the final communiqué of the Kimberley Process issued following its plenary meeting held in Moscow from 15 to 17 November 2005, and of the resolution adopted by Kimberley Process participants at that meeting setting out concrete measures to prevent the introduction of diamonds from Côte d’Ivoire into the legitimate diamond trade, and recognizing the linkage between the illegal exploitation of natural resources, such as diamonds, illicit trade in such resources, and the proliferation of and trafficking in arms and the recruitment and use of mercenaries as one of the sources of fuelling and exacerbating conflicts in West Africa,

Taking note also of the report of the Group of Experts on Côte d’Ivoire submitted on 7 November 2005,

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 renew until 15 December 2006 the provisions of paragraphs 7 to 12 of resolution 1572(2004) of 15 November 2004;

2. **Reaffirms** paragraphs 4 and 6 of resolution 1572(2004), paragraph 5 of resolution 1584(2005) of 1 February 2005, and paragraphs 3, 9, 19 and 21 of resolution 1633(2005), reaffirms also paragraph 8 of resolution 1584(2005), and, in this regard, demands that the Forces nouvelles establish without delay a comprehensive list of armaments in their possession, in accordance with their obligations;

3. **Reaffirms its readiness** to impose the individual measures provided for in paragraphs 9 and 11 of resolution 1572(2004), including against any person designated by the Security Council Committee established pursuant to paragraph 4 of resolution 1572(2004) (the Committee) who blocks the implementation of the peace process as enshrined in resolution 1633(2005) and in the final communiqué of the International Working Group, who is determined to be responsible for serious violations of human rights and international humanitarian law committed in Côte d’Ivoire since 19 September 2002, who publicly incites hatred and violence, and who is determined to be in violation of the arms embargo;

4. **Decides** that any serious obstacle to the freedom of movement of the United Nations Operation in Côte d’Ivoire and of the French forces supporting it, or any attack on or obstruction to the action of the United Nations Operation in Côte d’Ivoire, of the French forces, of the High Representative for the elections in Côte d’Ivoire or of the International Working Group constitutes a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572(2004);

5. **Requests** the Secretary-General and the Government of France to report to the Council immediately, through the Committee, any serious obstacle to the freedom of movement of the United Nations Operation in Côte d’Ivoire and of the French forces supporting it, including the names of those responsible, and requests the High Representative and the International Working Group to report to it immediately, through the Committee, any attack or obstruction to their action;

6. **Decides** that all States shall take the necessary measures to prevent the import of all rough diamonds from Côte d’Ivoire to their territory, welcomes the measures agreed upon by participants in the Kimberley Process Certification Scheme to this effect, and calls upon the States in the region which are not participants in the Kimberley Process to intensify their efforts to join the Kimberley Process in order to increase the effectiveness of monitoring the import of diamonds from Côte d’Ivoire;

7. **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 that they have taken to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572(2004) and by paragraphs 4 and 6 above, and authorizes the Committee to request whatever further information it may consider necessary;

8. **Decides** that, at the end of the period mentioned in paragraph 1 above, the Council shall review the measures imposed by paragraphs 7, 9 and 11 of resolution 1572(2004) and by paragraphs 4 and 6 above, in the light of progress accomplished in the peace and national reconciliation process in Côte d’Ivoire, and expresses its readiness to consider the modification or termination of those measures before the aforesaid period only if the provisions of resolution 1633(2005) have been fully implemented;

9. **Requests** 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 of six months, a group of experts consisting of no more than five members (the Group of Experts), with the appropriate range of expertise, in particular on arms, diamonds, finance, customs, civil aviation and any other relevant expertise, to perform the following mandate:

   (a) To exchange information with the United Nations Operation in Côte d’Ivoire and the French forces in the context of their monitoring mandate set out in paragraphs 2 and 12 of resolution 1609(2005) of 24 June 2005;

   (b) To gather and analyse all relevant information in Côte d’Ivoire and elsewhere, in cooperation with the Governments of those countries, on flows of arms and related materiel, on provision of assistance, advice or training related to military activities, on networks operating in violation of the measures imposed by paragraph 7 of resolution 1572(2004), and on the sources of financing, including from the exploitation of natural resources in Côte d’Ivoire, for purchases of arms and related materiel and activities;

   (c) To consider and recommend, where appropriate, ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed by paragraph 7 of resolution 1572(2004) and by paragraph 6 above;

   (d) To seek further information regarding the action taken by States with a view to implementing effectively the measures imposed by paragraph 6 above;

   (e) To report to the Council in writing within ninety days of its establishment, through the Committee, on the implementation of the measures imposed by paragraph 7 of resolution 1572(2004) and by paragraph 6 above, with recommendations in this regard;

   (f) To keep the Committee regularly updated on its activities;

   (g) To provide the Committee in its reports with evidence of any violations of the measures imposed by paragraph 7 of resolution 1572(2004) and by paragraph 6 above;

   (h) To cooperate with other relevant groups of experts, in particular the group of experts on Liberia established pursuant to resolutions 1520(2003) of 22 December 2003 and 1579(2004) of 21 December 2004;

   (i) To monitor the implementation of the individual measures set out in paragraphs 9 and 11 of resolution 1572(2004);

10. Also requests the Secretary-General to communicate, as appropriate, to the Council, through the Committee, information gathered by the United Nations Operation in Côte d’Ivoire and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d’Ivoire and about the production and illicit export of diamonds;
committee, information gathered by the French forces and, when possible, reviewed by the Group of Experts, about the supply of arms and related material to Côte d’Ivoire and about the production and illicit export of diamonds;

12. Requests the Kimberley Process to communicate, as appropriate, to the Council, through the Committee, information, when possible, reviewed by the Group of Experts, about the production and illicit export of diamonds;

13. Urges all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, the United Nations Operation in Côte d’Ivoire and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572(2004) and by paragraphs 4 and 6 above;

14. Decides to remain actively seized of the matter.

**UNOCI financing**

In March [A/59/730], the Secretary-General submitted the UNOCI budget for the period from 1 July 2005 to 30 June 2006, in the amount of $371,835,600. The report also contained an expenditure report for the period from 4 April to 30 June 2004.

ACABQ, in its April report [A/59/529/Add.15], recommended that the budget be reduced by $1,225,600 to $367,610,000.

**GENERAL ASSEMBLY ACTION**

On 22 June [meeting 104], the General Assembly, on the recommendation of the Fifth Committee [A/59/329/Add.1], adopted resolution 59/16 B without vote [agenda item 154].

### Financing of the United Nations Operation in Côte d’Ivoire

**B**

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 reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling 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, and the subsequent resolutions by which the Council extended the mandate of the Operation, the latest of which was resolution 1600(2005) of 4 May 2005,

Recalling also its resolution 58/310 of 18 June 2004 on the financing of the Operation and its subsequent resolution 59/16 A of 29 October 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1574(S-IV) of 27 June 1963, 301(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 fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Operation in Côte d’Ivoire as at 15 April 2005, including the contributions outstanding in the amount of 43.8 million United States dollars, representing some 11 per cent of the total assessed contributions, notes with concern that only fifty-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;

3. 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;

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

5. 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;

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. 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 Operation;

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 ensure the full implementation of the relevant provisions of its resolution 59/296;

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

12. 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 Operation against General Service posts, commensurate with the requirements of the Operation;

**Expenditure report for the period from 4 April to 30 June 2004**

13. Takes note of the expenditure report for the Operation for the period from 4 April to 30 June 2004;
Budget estimates for the period from 1 July 2005 to 30 June 2006

14. Decides to appropriate to the Special Account for the United Nations Operation in Côte d'Ivoire the amount of 386,892,500 dollars for the period from 1 July 2005 to 30 June 2006, inclusive of 367,501,000 dollars for the maintenance of the Operation, 15,856,300 dollars for the support account for peacekeeping operations and 3,535,200 dollars for the United Nations Logistics Base;

Financing of the appropriation

15. Decides also to apportion among Member States the amount of 386,892,500 dollars at a monthly rate of 32,418,041 dollars, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005 and 2006, as set out in Assembly resolution 58/1 B of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Operation;

16. 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 15 above, their respective share in the Tax Equalization Fund of 10,150,900 dollars, comprising the estimated staff assessment income of 7,625,600 dollars approved for the Operation for the period from 1 July 2005 to 30 June 2006, the prorated share of 2,241,300 dollars of the estimated staff assessment income approved for the support account and the prorated share of 286,000 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

17. Decides that, for Member States that have fulfilled their financial obligations to the Operation, there shall be set off against their apportionment, as provided for in paragraph 15 above, their respective share of the unencumbered balance and other income in the amount of 13,328,900 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in its resolution 58/256 and, taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B;

18. Decides also that, for Member States that have not fulfilled their financial obligations to the Operation, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and other income in the amount of 13,328,900 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 17 above;

19. Decides further that the decrease of 229,600 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be set off against the credits from the amount of 13,328,900 dollars referred to in paragraphs 17 and 18 above;

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, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502(2003) of 26 August 2003;

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 sixtieth session the item entitled "Financing of the United Nations Operation in Côte d'Ivoire".

On 20 September [A/60/364], the Secretary-General submitted a revised budget amounting to $423,130,600, including an increase of $55,629,600 to accommodate the increase in UNOCI strength, authorized by the Security Council in resolution 1609(2005) (see p. 236).

ACABQ, in its October report [A/60/420], recommended a reduction of $4,339,600, bringing the total budget to $418,777,000, on account of the delayed deployment schedule for additional civilian staff.

GENERAL ASSEMBLY ACTION

On 23 November [meeting 53], the General Assembly, on the recommendation of the Fifth Committee [A/60/540], adopted resolution 60/17 A without vote [agenda item 198].

A

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, and the subsequent resolutions by which the Council extended the mandate of the Operation, the latest of which was resolution 1609(2005) of 24 June 2005,

Recalling also its resolution 58/310 of 18 June 2004 on the financing of the Operation and its subsequent resolutions thereon, the latest of which was resolution 59/16 B of 22 June 2005,

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,

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 resolutions of the Security Council,

1. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;
2. Takes note of the status of contributions to the United Nations Operation in Côte d’Ivoire as at 30 September 2005, including the contributions outstanding in the amount of 153.8 million United States dollars, representing some 22 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;

3. 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;

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

5. 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;

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. 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 Operation;

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 ensure the full implementation of the relevant provisions of its resolution 59/290;

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

12. 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 Operation against General Service posts, commensurate with the requirements of the Operation;

Revised budget estimates for the period from 1 July 2005 to 30 June 2006

13. Decides to appropriate to the Special Account for the United Nations Operation in Côte d’Ivoire the amount of 51,276,000 dollars for the maintenance of the Operation for the period from 1 July 2005 to 30 June 2006, in addition to the amount of 386,892,500 dollars already appropriated for the same period under the terms of its resolution 59/16 B;

Financing of the appropriation

14. Also decides, taking into account the amount of 386,892,500 dollars previously appropriated for the period from 1 July 2005 to 30 June 2006 under the terms of its resolution 59/16 B, to apportion among Member States the additional amount of 28,946,129 dollars for the period from 1 July 2005 to 24 January 2006, in accordance with the levels updated in General Assembly resolution 58/256 of 25 December 2003, and taking into account the scale of assessments for 2005 and 2006, as set out in its resolution 58/1 B of 23 December 2003;

15. Further decides that, in accordance with the provisions of its resolution 973(XI) of 15 December 1955, there shall be added to the apportionment among Member States, as provided for in paragraph 14 above, their respective share in the Tax Equalization Fund of the amount of 4,064 dollars, representing the estimated decrease in staff assessment income approved for the Operation for the period from 1 July 2005 to 24 January 2006;

16. Decides to apportion among Member States the additional amount of 22,329,871 dollars at a monthly rate of 4,273,000 dollars for the period from 25 January to 30 June 2006, in accordance with the scheme set out in paragraph 14 above, and taking into account the scale of assessments for 2006 as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Operation;

17. Also decides that, in accordance with the provisions of its resolution 973(XI), there shall be added to the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of the amount of 3,136 dollars, representing the estimated decrease in staff assessment income approved for the Operation for the period from 25 January to 30 June 2006;

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 Operation, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502(2003) of 26 August 2003;

20. 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;

21. Decides to keep under review during its sixtieth session the item entitled “Financing of the United Nations Operation in Côte d’Ivoire”.

Liberia

In 2005, Liberia marked a major milestone in its efforts towards the restoration of peace and stability, with the successful holding of both legislative and presidential elections on 11 October. The elections, which saw Ellen Johnson-Sirleaf become the President-elect, marked one of the final steps towards completing the two-year transition period stipulated in the 2004 Comprehensive Peace Agreement [YUN 2004, p. 192]. With the assistance of the United Nations Mission in
Liberia, the Economic Commission of West African States and other regional and international actors, Liberia made progress in the disarmament of combatants, the disbandment of former factions, the establishment of a stable environment throughout the country, the partial restoration of State authority in the counties, the resettlement of a significant number of refugees, the establishment of the Truth and Reconciliation Commission, the launching of security sector reform and the agreement to establish the Governance and Economic Management Assistance Programme.

However, significant problems faced the new Government to be installed in 2006. Concerns about the performance of the National Transitional Government of Liberia, particularly its lack of transparency in the collection and use of revenues, as well as corruption, had led to the establishment of an investigative committee. The committee concluded that there had been administrative and financial malpractices and recommended that remedial measures be taken. The security situation in the country remained calm, but fragile. Demonstrations and protest marches by ex-combatants demanding rehabilitation and reintegration opportunities or protesting the non-payment of salary arrears posed a threat to stability, in addition to the civil unrest which arose from alleged ritual killings. The discovery of diamonds in Sinoe County sparked a rush of over 20,000 people to the site and gave rise to violations of UN sanctions. The situation in neighbouring countries continued to be monitored, as the recruitment of Liberian ex-combatants from Côte d’Ivoire, Guinea and Sierra Leone remained a concern.

The Panel of Experts established to conduct an assessment on the implementation, impact and effectiveness of the arms, travel, timber and diamond sanctions imposed on Liberia concluded that the assets freeze had not been implemented and reports were received of violations of the travel ban, including by former President Charles Taylor. Sanctions on timber had been effective, but the Forest Review Committee had recommended the cancellation of all concessions and that the sector be reformed. The Panel identified developments that were undermining Liberia’s efforts to meet the Security Council’s requirements for lifting the embargo on exporting rough diamonds. The Panel also found that Government administration was weak, with archaic internal controls and little external oversight, and if the sanctions on diamonds and timber were to be lifted, it was unlikely that Government revenues would enter the budget process for the benefit of the Liberian people. The Security Council therefore renewed the arms and travel measures for a further 12 months and the diamonds and timber measures for six months.

Governments and human rights organizations continued to call on the Government of Nigeria to hand over former President Charles Taylor to the Special Court for Sierra Leone. The Council, following allegations that Taylor had been meddling in Liberian politics and had violated the conditions of his asylum in Nigeria, indicated that his return to Liberia would constitute a threat to international peace and security in the region and amended the UNMIL mandate to include the apprehension and detainment of Mr. Taylor, in the event of a return to Liberia, and his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone.


In December, the Security Council extended UNMIL’s mandate until 31 March 2006 and authorized a temporary increase in the personnel ceiling to 15,250 troops.

**UNMIL**

The United Nations Mission in Liberia (UNMIL), established by Security Council resolution 1509(2003) [YUN 2005, p. 189], was mandated to support the implementation of the 2003 Agreement on Ceasefire and Cessation of Hostilities [ibid., p. 189] and of the peace process; protect UN staff, facilities and civilians; support humanitarian and human rights activities; and assist in national security reform, including national police training and the formation of a new, restructured military.

By resolution 1638(2005) (see p. 267), the Council decided that the mandate should include the apprehension and detention of former President Charles Taylor in the event of his return to Liberia and to transfer him to the Special Court for Sierra Leone. By resolution 1626(2005) (see p. 264), the Council extended UNMIL’s mandate until 31 March 2006.

Headquartered in the Liberian capital, Monrovia, UNMIL was headed by the Special Representative of the Secretary-General for Liberia, Jacques Paul Klein (United States), from July 2003 to April 2005. He was succeeded in that capacity by Alan Doss (United Kingdom), who was appointed with effect from 15 August [S/2005/464 & S/2005/465].
Lieutenant General Joseph Olorungbon Owonibi (Nigeria), Deputy Force Commander of UNMIL since November 2003, was appointed Force Commander as of 1 January 2003 [S/2003/19 & S/2003/18]; and Lieutenant General Chikadibia Isaac Obiakor (Nigeria) was appointed Force Commander as of 1 January 2006 [S/2005/18]

Also by resolution 1626(2005), the Council supported the Secretary-General’s recommendation to return to the ceiling of 15,000 UN military personnel authorized by resolution 1509(2003) [YUN 2003, p. 194] by 31 March 2006.

Financing

In June, at its resumed fifty-ninth (2005) session, the General Assembly considered the performance report on the UNMIL budget for 1 August 2003 to 30 June 2004 [A/59/624], showing expenditures amounting to $548,178,700 against a total appropriation of $564,494,300, and the proposed budget for UNMIL for 1 July 2005 to 30 June 2006 [A/59/690] of $722,633,600, together with the related ACABQ report [A/59/736/Add.11].

GENERAL ASSEMBLY ACTION

On 22 June [meeting 104], the General Assembly, on the recommendation of the Fifth Committee [A/59/886], adopted resolution 59/305 without vote [agenda item 134].

Financing of the United Nations Mission in Liberia

The General Assembly,

Having considered the reports of the Secretary-General 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 1487(2003) of 1 August 2003, by which the Council declared its readiness to establish a United Nations stabilization force to support the transitional government and to assist in the implementation of a comprehensive peace agreement in Liberia,


Recalling further its resolution 58/201 A of 23 December 2003 on the financing of the Mission and its subsequent resolution 58/201 B 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, 3010(XXXVIII) 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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Mission in Liberia as at 15 April 2005, including the contributions outstanding in the amount of 96 million United States dollars, representing some 7 per cent of the total assessed contributions, notes with concern that only sixty-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;

3. Expresses its appreciation to those Member States that 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;

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

5. 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;

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 ensure the full implementation of the relevant provisions of its resolution 59/296;

11. Also requests the Secretary-General to entrust the Special Representative of the Secretary-General to intensify his/her coordination and collaboration efforts with the agencies, funds and programmes in Liberia and to develop a workplan containing an integrated list of priorities, and further requests the Secretary-General to report to the General Assembly on actions taken as well as progress made in the context of the Mission budget for the period from 1 July 2006 to 30 June 2007;

Africa

257
12. Further requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

13. 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 August 2003 to 30 June 2004

14. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 August 2003 to 30 June 2004;

Budget estimates for the period from 1 July 2005 to 30 June 2006

15. Decides to appropriate to the Special Account for the United Nations Mission in Liberia the amount of 760,567,400 dollars for the period from 1 July 2005 to 30 June 2006, inclusive of 722,422,100 dollars for the maintenance of the Mission, 31,891,200 dollars for the support account for peacekeeping operations and 6,954,100 dollars for the United Nations Logistics Base;

Financing of the appropriation

16. Decides also to apportion among Member States the amount of 106,602,298 dollars for the period from 1 July to 19 September 2005, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005 as set out in its resolution 58/1 B as of 23 December 2003;

17. 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 16 above, their respective share in the Tax Equalization Fund of 3,522,213 dollars, comprising the estimated staff assessment income of 2,461,225 dollars approved for the Mission, the prorated share of 967,532 dollars of the estimated staff assessment income approved for the support account and the prorated share of 123,438 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

18. Decides to apportion among Member States the amount of 593,665,109 dollars for the period from 20 September 2005 to 30 June 2006 at a monthly rate of 63,380,616 dollars, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2005 and 2006 as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Mission;

19. 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 18 above, their respective share in the Tax Equalization Fund of 12,655,087 dollars, comprising the estimated staff assessment income of 8,754,477 dollars approved for the Mission, the prorated share of 3,441,548 dollars of the estimated staff assessment income approved for the support account and the prorated share of 439,062 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

20. Decides further 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 16 above, their respective share of the unencumbered balance and other income in the total amount of 17,034,600 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2004 as set out in its resolution 58/1 B;

21. Decides 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 17,034,600 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 20 above;

22. Decides also that the decrease of 2,096,900 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be set off against the credits from the amount of 17,034,600 dollars referred to in paragraphs 20 and 21 above;

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

24. 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, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502(2003) of 26 August 2003;

25. 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;

26. Decides to include in the provisional agenda of its sixtieth session the item entitled “Financing of the United Nations Mission in Liberia”.

Peacebuilding efforts

Implementation of Comprehensive Peace Agreement and UNMIL activities

Report of Secretary-General (March). The Secretary-General, on 17 March, submitted his sixth progress report on UNMIL [S/2005/177] covering developments since his December 2004 report [YUN 2004, p. 209]. He noted the various advancements made in the implementation of the 2003 Comprehensive Peace Agreement [YUN 2003, p. 192]: preparations for the October 2005 elections were under way; former armed factions either formed new political parties or associated themselves with existing ones; increased numbers of internally displaced persons and refugees were returning to their homes; the training programme for the new Liberian police service was moving forward; and the process of restoring county administration continued, albeit at a slow pace. Limited progress was made in efforts to en-
trench the rule of law and improve the human rights situation; however, the National Transitional Government continued to function, notwithstanding serious internal tensions.

The Implementation Monitoring Committee and the International Contact Group, the two mechanisms monitoring implementation of the 2003 Comprehensive Peace Agreement, continued to meet regularly. Subregional engagement with the peace process remained strong, notably by ECOWAS, which visited Liberia in February/March to assess progress in the peace process and election preparations.

The Government, responding to donor concerns about its performance, particularly its lack of transparency in the collection and use of revenues and resistance to reforms and audits to fight corruption, set up a Task Force on Corruption and a Cash Management Committee. The National Transitional Legislative Assembly also set up a committee in January to investigate allegations of administrative and financial impropriety involving its leadership; it presented its report in March, confirming existing administrative and financial malpractices and recommending remedial measures. A proposal to suspend the Assembly leadership for up to seven months (which went into effect on 14 March) degenerated into a fracas; UNMIL had to intervene to restore calm.

In contravention of an article of the Comprehensive Peace Agreement barring principal cabinet ministers from running for elective office in the 11 October elections, two such officials declared their intention to run for the presidency and a senatorial seat, one arguing that the article was inconsistent with another article of the Agreement that he invoked. UNMIL and the International Contact Group on Liberia found no contradiction between the two articles—a finding reaffirmed by the National Elections Commission and the ECOWAS Mediator, General Abdul-Salami Abubakar.

The overall security situation remained calm but fragile. Several incidents of lawlessness and violent unrest occurred, but no major disturbances. Large student demonstrations protesting the closure of schools were staged in Monrovia in December 2004, as were protests by civil servants against the non-payment of salaries in arrears and, in January and February 2005, by ex-combatants who were growing increasingly restive while awaiting rehabilitation and reintegration opportunities. Disturbances also occurred at rubber plantations. Incidents of mob violence erupted in Maryland County in January, following allegations attributing the disappearance of certain persons to ritual killings. As a result, the Transitional Government imposed a dusk-to-dawn curfew, and UNMIL troops and police acted quickly to restore calm.

As of 1 March, the number of formally disarmed combatants totalled 101,405, including women, boys and girls. With UNICEF assistance, 98 per cent of former child combatants were rejoined with their families. UNMIL destroyed all weapons and ammunition collected during the disarmament process. It encouraged communities to divulge information on arms caches and, with UNDP, launched a community arms collection and destruction project. Some 612 ex-combatants identified as foreign nationals during the disarmament and demobilization process were still awaiting repatriation. In addition to 50 children already repatriated to Liberia from Sierra Leone, the two countries reached an agreement for the repatriation by 31 March of 435 Liberian ex-combatants in internment camps in Sierra Leone. The most pressing challenge was to create long-term reintegration opportunities for more than 100,000 ex-combatants. Only 25,591 were participating in reintegration projects funded by the relevant UNDP-managed trust fund, the European Commission and the United States Agency for International Development; a number of projects in the pipeline would provide immediate opportunities for another 44,502, but many of them had yet to begin, owing to a lack of funding. The Secretary-General appealed to the international community for funds to reduce the $40 million shortfall.

As to the restructuring of the national police, some 1,134 trainees were enrolled in the National Police Academy training programme. As of 1 March, 200 police officers were deployed in the 12 counties with minimal or no police presence, and command structures were established with the deployment of police commanders to five regional police centres in Kakata, Tubmanburg, Gbarnga, Zwedru and Harper. For those outlying deployments to be sustainable, an estimated $871,000 was urgently required for basic equipment, renovations of police stations, including detention cells and security measures. The United States continued to take the lead in coordinating plans for the restructuring of the Liberian military, for which a preliminary budget was estimated at $87.5 to $200 million. Unfortunately, the restructuring exercise could not proceed until the existing personnel from the Armed Forces of Liberia had been decommissioned. In that regard, the Government’s list of 14,084 personnel was being verified against the UNMIL database to determine their eligibility benefits for terminal. An estimated minimum of $8.5 million in donor assistance would be needed to cover the cost of their severance and pension packages.
Reform of the justice sector continued at a slow pace. Circuit courts functioned in only eight counties and only 60 per cent of the magistrate courts were operational. UNMIL conducted four training courses throughout the country for prosecutors and law enforcement officers. At the initiative of UNMIL, a case flow management committee was established to address the problem of pretrial detainees held for excessive periods. The recruitment of correctional officers, expected to take place every three months, had begun, with UNMIL providing technical advice and on-the-job training, as well as assisting in developing draft national policies on prisoner discipline and adjudication and admission procedures. About $130,000 was urgently required for the training of correctional officers and $800,000 for prison refurbishment and security upgrades.

Limited progress was made in the restoration of State authority and in the rehabilitation of government institutions. As of 18 February, the National Task Force for the Restoration of State authority completed consultations for the selection of Superintendent and Assistant Superintendent nominees in all 15 counties. The Transitional Government deployed 564 government officials across the country, including internal revenue collectors, customs officers and some 250 immigration and naturalization officers. UNMIL supported government efforts to ensure financial transparency and accountability by liaising with the General Audit Office on audits of ministries and State-owned enterprises. Concerns persisted over the Government’s limited capacity to deliver basic services. A dearth of official vehicles and office accommodation, combined with other logistical constraints, undermined the ability of recently deployed county superintendents to perform their duties. Also, most regional officials had to travel to Monrovia to collect their salaries. UNMIL was working with the Central Bank of Liberia to establish rural branches and with the World Bank and the Government to find a short-term solution to the problem.

UNMIL continued to support the Government in asserting control over the country’s land-based and marine natural resources. The Government lacked the capacity to police illegal fishing in its territorial waters and was powerless to prevent offshore dumping of waste by foreign vessels. UNMIL provided advice to the technical working group on fishing and undertook reconnaissance of Liberian waters to monitor illegal fishing. It also assisted government institutions in regulating issues of ownership, land tenure, management and functioning in respect of rubber and timber plantations. The Government was focused on ensuring compliance by the diamond-mining sector with the Kimberley Process Certification Scheme (YUN 2000, p. 76). A review team of international experts on the Scheme that visited the country in February was to present its recommendations to the Panel of Experts dealing with sanctions on Liberia (see p. 269). UNMIL trained guards from the Forestry Development Authority and conducted an environmental baseline survey.

In the humanitarian area, UNHCR continued to facilitate the voluntary repatriation of Liberian refugees from Ghana, Guinea, Côte d’Ivoire, Nigeria and Sierra Leone. An estimated 100,000 refugees had returned spontaneously, while 8,113 returned with UNHCR assistance. As of 1 March, 67,644 internally displaced persons returned to their respective counties and were provided with return packages. Assistance provided by other UN agencies included food aid by WFP; agricultural support to farm families from FAO; and the re-establishment of country health teams by WHO. In addition to providing basic health care for 100,000 internally displaced persons and enabling the immunization services for 2.47 million children, UNICEF trained 13,000 teachers in “emergency” education as part of its back-to-school campaign.

The Secretary-General observed that the main pillars of the transition process had been successfully erected. However, if not provided with the necessary support and advice during that critical period, Liberia faced the risk of repeating the pattern of abuse of power, institutional breakdown and violence that had plagued the country for the past 25 years. It was therefore imperative that the Government proceed without delay to institute fundamental reforms and that the international community provide the required resources to allow for the consolidation of gains made so far. The Government also needed to eliminate corrupt practices and institute transparent arrangements for the management of public funds and take disciplinary actions against Government officials resisting institutional reforms to fight corruption. It should play a more proactive role in urgently finding a solution to the problems of the inadequate payment of salaries and provision of logistics for the national police, which might perpetuate a culture of corruption in the police service. The Government, along with the international community, should give due consideration to providing the $8.5 million required to complete the programme for restructuring the Armed Forces of Liberia.

The Secretary-General underscored other concerns, including the need to convene a national consultative forum prior to the elections to
discuss reforms, particularly those on land use and property rights; measures to ensure free and fair elections; the growing disaffection among former combatants, unemployed youth, students and government workers; the activities of close associates of former President Charles Taylor; and negative developments in Côte d’Ivoire and their impact on efforts to stabilize Liberia.

EU evaluations. In a 21 March statement on evaluations [S/2005/222] carried out by the European Commission in Liberia, the EU, noting that they were at a crucial point in its transition process, called on all political forces and the Liberian transitional authorities to cooperate to ensure strict compliance with the timetable and framework for the conduct of the October elections. It expressed concern about the significant level of corruption brought to light in recent reports and evaluations that was largely going unpunished, saying such corruption damaged the country’s image and ongoing democratic process, and could jeopardize the conduct and international recognition of the elections.

Report of Secretary-General (June). In his June progress report on UNMIL [S/2005/98], the Secretary-General stated that the United Nations, the European Commission, the World Bank, the International Monetary Fund, ECOAS and the United States met (Copenhagen, Denmark, 11 May) to address the issue of improving Liberia’s economic governance. It reviewed the audit reports of the Central Bank of Liberia and five State-owned enterprises, and noted that the technical and policy advice on economic governance-related issues given to the Government over the previous 18 months had not achieved the desired results due to its unwillingness to institute reforms. Concluding that financial malfeasance and a lack of transparency and accountability were undermining the implementation of the Comprehensive Peace Agreement, they decided to develop an economic governance action plan for the Government’s implementation, to be submitted to the Security Council for consideration.

With the agreement of the Chairman of the Transitional Government, Charles Gyude Bryant, EU earlier had dispatched a team of investigators to look into allegations of corruption within the Government. The team encountered resistance from some Ministers and other officials, as well as from the Liberian Institute of Certified Public Accountants, which petitioned the Supreme Court for a writ of prohibition restraining public officers from cooperating with the investigation on the grounds that it was a violation of Liberia’s sovereignty. The writ was refused by the Supreme Court. Tensions stemming from the 14 March suspension of four members of the National Transitional Legislative Assembly—the Speaker, Deputy Speaker, the Chairperson of the Ways and Means Committee and Chairperson of the Rules and Orders Committee—for administrative and financial malpractice continued. A petition filed by the suspended officials for a reversal of their suspension was pending before the Supreme Court. The Assembly, which maintained that the judiciary had no jurisdiction over its internal processes, continued to function under the newly elected Acting Speaker and Deputy Speaker.

The Implementation Monitoring Committee and the International Contact Group continued to meet regularly to review progress in the peace process and to address emerging issues. The second meeting of the ECOAS Coordination Mechanism (Abuja, Nigeria, 26 May), jointly held by the Government and the United Nations, examined progress and remaining challenges in the implementation of the Comprehensive Peace Agreement; welcomed the decision of Liberia’s international partners to develop an economic governance action plan (above); emphasized that security sector reform should include the rehabilitation of the judicial, penal and immigration sectors; and called for the adoption of clear, well-defined and transparent criteria for the inclusion in or exclusion of individuals from the sanctions list on travel ban and assets freeze. The meeting also called for evidence from those alleging that the former President of Liberia was in violation of the terms of his asylum in Nigeria by actively interfering in Liberia’s forthcoming presidential elections.

The security situation was marred by several incidents. Unemployed ex-combatants, susceptible to exploitation by political elements, held violent demonstrations to demand reintegration benefits and opportunities and also threatened to disrupt the elections and attack UNMIL personnel. Organized ex-combatant groups linked to influential members of the former armed factions were illegally occupying the State-owned Guthrie Rubber Plantation, located on the border of Bomi and Grand Cape Mount Counties. Other groups held protests demanding that their enrollment in schools they had formerly attended be facilitated. On 15 April, the first referral and counseling office for demobilized ex-combatants opened in Monrovia. Other threats to security were the “coalition of unwilling political forces” composed of individuals barred by the Comprehensive Peace Agreement from running in the 11 October elections, those on the Security Council travel-ban and assets-freeze lists and those benefiting economically from Liberia’s instability and lack of Government authority; and ethnic
clashes. UNMIL troops continued to provide umbrella security throughout the country in order to create a stable environment for the electoral process. It took over security responsibilities at Monrovia’s Freeport to enable it to meet international ship and port facility standards and enhance its security and operations.

In support of security sector reform, the programme to develop the new professional Liberian National Police made steady progress. In-kind support was provided by Belgium (weapons and ammunition), China (motorcycles and radios) and the United States (uniforms and funding for operational costs and trainee stipends). In May, UNMIL launched a training programme for senior law enforcement managers, who would serve as a core group of trainers when the new police service, to be established formally on 1 July, was to assume responsibility for running the Academy’s training programme.

The programme for the recruitment and training of the new armed forces was expected to begin after the completion of the decommissioning and retirement process for the existing Armed Forces of Liberia. By an executive order signed on 15 May by the Chairman of the Transitional Government, that process would begin on 31 May; it was expected to be completed by September. The decommissioning exercise, estimated at $16.4 million, had a shortfall of some $5.4 million.

Other UNMIL activities included building the capacity of the justice sector in terms of training the various categories of judicial personnel, providing legal aid services to defendants, assisting in convening a meeting of a legislative drafting working group, and providing support to the Bureau of Corrections and Rehabilitation towards the rehabilitation of correctional infrastructure. UNMIL increased programming on human rights, transitional justice and humanitarian activities and carried out community-level live broadcasts with public participation on issues related to the peace process. It assisted in the return of Government officials to their duty stations, thereby to restore State authority, especially in the interior of the country; in providing advice to the relevant institutions and authorities on measures to ensure proper management of natural resources and monitoring sites where natural resource exploitation was taking place; spearheading the formulation of a five-year national human rights action plan; and accelerating the return of internally displaced persons and refugees to their countries of origin.

The annual review meeting on the Results-Focused Transitional Framework (Copenhagen, 9-10 May), attended by the Government and its international partners, identified priorities for 2005: addressing corruption, ensuring transparency and integrity in fiscal management and providing basic services in the interior of the country to sustain the return of internally displaced persons and refugees. The meeting recognized the need to extend the Framework into 2006 to ensure a structured transition from the Framework to a poverty reduction strategy based on the Millennium Development Goals [YUN 2000, p. 31].

The Secretary-General noted the encouraging progress achieved in Liberia in the past three months. He stressed the importance of the remaining six months of the transition period for laying the foundations for a peaceful and democratic Liberia; any efforts to disrupt the electoral process should be expeditiously addressed. He reiterated his March recommendation that the Security Council favourably consider authorizing an additional formed police unit of 120 officers, for an interim period of six months beginning in August, to assist in dealing with security emergencies during the electoral period.

**Report of Secretary-General (September).** In his September report on UNMIL [S/2005/560], the Secretary-General stated that the National Transitional Government took measures against a number of reported cases of Government corruption, suspending the Commissioner of the Bureau of Maritime Affairs, following allegations of fraud and dismissing Liberia’s representative to the International Maritime Organization (IMO). Along with two others from the Bureau, they were alleged to have misappropriated more than $4 million and were charged with “economic sabotage and fraud of the internal revenue of Liberia”. The ECOVAS team dispatched to investigate corruption within the Government (see p. 261) submitted its report to the ECOVAS Heads of State. Meanwhile, draft legislation on the establishment of a Liberian anti-corruption agency had been prepared.

The leadership crisis at the Transitional Legislative Assembly was resolved on 2 August, when the Supreme Court ruled that the 14 March suspension of four of its members violated neither the Comprehensive Peace Agreement, nor the Constitution, nor the standing rules of the Assembly, and that the Assembly had followed due process. One member, who had sought the Secretary-General’s intervention to facilitate his reinstatement, or lift the Agreement’s restriction barring him from running in the elections, was informed that the United Nations respected the Court’s ruling and the sanctity of the legislature, and that it had no authority to modify the Agreement.
During the reporting period, diamond deposits discovered in the Sanquin District of Sinoe County resulted in an influx to the site of some 20,000 people who began illegal alluvial diamond mining. The presence of such a large group of youths, including ex-combatants, posed a threat to security. Cholera broke out in the area, claiming 29 lives. A security assessment team recommended evacuation of the area, while WHO delivered cholera treatment kits for 10,000 people. Other security concerns were the simmering ethnic conflicts, property disputes and election-related violence.

The programme for the establishment of a new Liberian police service was on course to complete the basic training of 1,800 national police in time for the October elections. By 24 August, 756 police officers had completed the full basic training programme. Some 263 Special Security Service personnel and 116 Liberian Seaport Police had also graduated from the training programme. In July, 208 more police officers were deployed to various locations in the country, bringing to 918 the number of officers redeployed to police stations in the counties. The United States pledged $1.7 million to allow training at the Police Academy to continue for a further year. Funding shortfalls hampered efforts to rehabilitate police infrastructure, re-equip specialized units and decommission personnel from the Liberian National Police and the Special Security Services who were ineligible to join the new restructured services.

By 24 August, 8,164 of the 9,086 irregular armed forces personnel had been demobilized. The demobilization programme, however, faced a funding shortfall of $11.5 million for the demobilization of 4,095 regular personnel of the Armed Forces of Liberia. Demobilized soldiers would be eligible to apply for the new military force during a 45-day recruitment period. The new force, originally intended to be 4,000 strong, was reduced to 2,000 for lack of funds. Also by 24 August, 37,500 demobilized ex-combatants had been placed in rehabilitation and reintegration projects and another 35,448 accommodated in projects covered by the UNDP-managed Disarmament, Demobilization, Reintegration and Rehabilitation Trust Fund. Nonetheless, 26,000 ex-combatants were still awaiting participation in the rehabilitation and reintegration programme, which was also facing a shortage of about $18.5 million. UNMIL and UNDP began registering ex-combatants illegally occupying the Guthrie Rubber Plantation (see p. 261) for reintegration opportunities. Ex-combatants numbering 5,187 who were unarmed and therefore did not enter the disarmament and demobilization programme would be placed in community-based recovery programmes.

The judicial system reform saw significant progress with the conclusion of the nomination, vetting and appointment processes for circuit court judges, specialized court judges and magistrates. UNMIL collaborated with the Liberian National Bar Association to ensure transparency in the selection and vetting procedures. The courts in operation were handling an increased number of cases: in July alone, six criminal jury trials were concluded, which equalled the total concluded during the whole of 2004. UNMIL continued to assist the Bureau of Corrections in improving conditions at corrections institutions and deployed corrections advisers to Zwedru and Harper, where courts recently opened with no detention facilities. UNMIL quick-impact projects also financed projects for water, sanitation and physical exercise in Monrovia and Gbarnga prisons.

In the area of human rights, on 10 June, the Chairman of the Transitional Government signed into law the Truth and Reconciliation Commission Act and, on 14 July, the ECOWAS Mediator presided over the inauguration of the selection panel for the Commission. The panel would recommend 15 candidates, from among whom the Chairman would select and appoint up to nine commissioners by 10 September. They would be assisted by three international technical advisers selected by OHCHR and ECOWAS. Following a visit to Liberia (9-13 July), the United Nations High Commissioner for Human Rights, Louise Arbour, expressed the view that the weakest link in the Liberian transitional process was the justice system and recommended that the international community do more to encourage the Liberian judiciary to open up to international assistance. UNMIL hosted a workshop (21-23 July) on transitional justice for African peacekeeping missions, facilitated activities to raise human rights awareness and conducted a nationwide survey of human rights violations in the agricultural sector, with a focus on rubber plantations.

To extend and consolidate State authority in all 15 counties, the Government completed the commissioning of all 15 county superintendents in mid-July. Almost 95 per cent of civil servants had returned to their duty stations in the counties and at border posts; their salaries could be paid by offices of the Central Bank of Liberia in Kakata, Buchanan and Gbarnga, recently constructed with UNMIL assistance. To assist the Government to regain full control over the exploitation of the country’s natural resources, particularly over artisanal diamond-mining activities, UNMIL continued to report to the Govern-
The Secretary-General also proposed a temporary increase in UNMIL troop strength of some 250 troops, from 15 November 2005 to 31 March 2006, to provide security both at the Special Court for Sierra Leone after the withdrawal of UNAMSIL, and throughout Liberia in the sensitive period following the October elections and the inauguration of the newly-elected Government of Liberia, scheduled for January 2006.

SECURITY COUNCIL ACTION


The Security Council,

Recalling its previous resolutions and the statements by its President concerning the situation in Liberia and in Sierra Leone, in particular resolutions 1509(2003) of 19 September 2003, 1610(2005) of 30 June 2005 and 1620(2005) of 31 August 2005,

Welcoming the report of the Secretary-General of 1 September 2005,

Welcoming progress made in the preparations for the October 2005 presidential and legislative elections,

Welcoming the further extension of State authority, including progress in the establishment of a new Liberian police service and the appointment of new judges and magistrates,

Expressing its appreciation for the indispensable and continuing contributions to the Liberian peace process by the Economic Community of West African States and the African Union, and for financial and other assistance provided by the international community,

Welcoming the signing by the National Transitional Government of Liberia and the International Contact Group on Liberia of the Governance and Economic Management Assistance Program, which is designed to ensure prompt implementation of the Comprehensive Peace Agreement signed at Accra on 18 August 2003 and to expedite the lifting of measures imposed by resolution 1521(2003) of 22 December 2003,

Reiterating its appreciation for the essential work of the Special Court for Sierra Leone and its vital contributions to the establishment of the rule of law in Sierra Leone and the subregion, and encouraging all States to cooperate fully with the Court as it implements its completion strategy,

Noting that the United Nations Mission in Sierra Leone is scheduled to end its operations on 31 December 2005,

Recalling the briefing by the President of the Special Court for Sierra Leone to the Security Council on 24 May 2005, in which he stressed the need for a continuing international security presence to provide protection for the Court after the departure of the Mission, and welcoming the recommendations of the Secretary-General in this regard,

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,

The Secretary-General also proposed a temporary increase in UNMIL troop strength of some 250 troops, from 15 November 2005 to 31 March 2006, to provide security both at the Special Court for Sierra Leone after the withdrawal of UNAMSIL, and throughout Liberia in the sensitive period following the October elections and the inauguration of the newly-elected Government of Liberia, scheduled for January 2006.

SECURITY COUNCIL ACTION


The Security Council,

Recalling its previous resolutions and the statements by its President concerning the situation in Liberia and in Sierra Leone, in particular resolutions 1509(2003) of 19 September 2003, 1610(2005) of 30 June 2005 and 1620(2005) of 31 August 2005,

Welcoming the report of the Secretary-General of 1 September 2005,

Welcoming progress made in the preparations for the October 2005 presidential and legislative elections,

Welcoming the further extension of State authority, including progress in the establishment of a new Liberian police service and the appointment of new judges and magistrates,

Expressing its appreciation for the indispensable and continuing contributions to the Liberian peace process by the Economic Community of West African States and the African Union, and for financial and other assistance provided by the international community,

Welcoming the signing by the National Transitional Government of Liberia and the International Contact Group on Liberia of the Governance and Economic Management Assistance Program, which is designed to ensure prompt implementation of the Comprehensive Peace Agreement signed at Accra on 18 August 2003 and to expedite the lifting of measures imposed by resolution 1521(2003) of 22 December 2003,

Reiterating its appreciation for the essential work of the Special Court for Sierra Leone and its vital contributions to the establishment of the rule of law in Sierra Leone and the subregion, and encouraging all States to cooperate fully with the Court as it implements its completion strategy,

Noting that the United Nations Mission in Sierra Leone is scheduled to end its operations on 31 December 2005,

Recalling the briefing by the President of the Special Court for Sierra Leone to the Security Council on 24 May 2005, in which he stressed the need for a continuing international security presence to provide protection for the Court after the departure of the Mission, and welcoming the recommendations of the Secretary-General in this regard,

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 that the mandate of the United Nations Mission in Liberia shall be extended until 31 March 2006;

2. Calls upon all Liberian parties to demonstrate their full commitment to a democratic process of government by ensuring that the upcoming presidential and legislative elections are peaceful, transparent, free and fair;

3. Calls upon the international community to respond to continuing needs for resources for the rehabilitation and reintegration of ex-combatants and for security sector reform;

4. Looks forward to the implementation of the Governance and Economic Management Assistance Programme of the National Transitional Government of Liberia and succeeding governments of Liberia in collaboration with their international partners, and requests the Secretary-General to include information on the progress of this implementation in his regular report on the Mission;

5. Authorizes the Mission, subject to the consent of the troop-contributing countries concerned and of the Government of Sierra Leone, to deploy from November 2005 up to 250 United Nations military personnel to Sierra Leone to provide security for the Special Court for Sierra Leone, as recommended in paragraphs 90 to 94 of the report of the Secretary-General of 1 September 2005;

6. Authorizes a temporary increase in the personnel ceiling of the Mission, to a total of 15,250 United Nations military personnel, for the period from 15 November 2005 to 31 March 2006 in order to ensure that the support provided to the Court does not reduce the capabilities of the Mission in Liberia during its political transition period;

7. Authorizes the Mission, subject to the consent of the troop-contributing countries concerned and of the Government of Sierra Leone, to deploy an adequate number of military personnel to Sierra Leone, if and when needed, to evacuate military personnel of the Mission deployed to Sierra Leone pursuant to paragraph 5 of the present resolution and officials of the Court in the event of a serious security crisis affecting those personnel and the Court;

8. Requests the United Nations Integrated Office in Sierra Leone, once established, to assist in providing logistics support for military personnel of the Mission deployed to Sierra Leone pursuant to the present resolution;

9. Requests the Secretary-General and the Government of Sierra Leone to conclude an agreement regarding the status of military personnel of the Mission deployed to Sierra Leone pursuant to the present resolution, taking into account General Assembly resolution 59/47 of 2 December 2004 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and decides that, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 shall apply provisionally;

10. Supports the recommendation of the Secretary-General to return to the ceiling of United Nations military personnel authorized in resolution 1509(2003) by 31 March 2006;

11. Encourages the United Nations missions in the region, within their capabilities and areas of deployment and without prejudice to their mandates, to continue their efforts towards enhancing inter-mission cooperation, especially with regard to the prevention of cross-border movement of arms and combatants and the illicit exploitation of natural resources and in the implementation of disarmament, demobilization and reintegration programmes;

12. Welcomes the efforts undertaken by the Mission to implement the Secretary-General’s zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, and requests the Secretary-General to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure that allegations of sexual exploitation or abuse against their personnel are properly investigated and, if substantiated, punished;

13. Requests the Secretary-General to provide recommendations on a drawdown plan for the Mission, including specific benchmarks and a tentative schedule, in his March 2006 report;

14. Also requests the Secretary-General to continue to keep the Council regularly informed on the progress of the Mission in the implementation of its mandate;

15. Decides to remain actively seized of the matter.

Elections

Pre-election activities. The Secretary-General reported in March (S/2005/177) that with the signing into law of the Electoral Reform Bill in December 2004, the National Elections Commission developed the legal and policy framework for the elections by adopting guidelines on the registration of political parties, independent candidates, and coalitions and alliances. With UNMIL assistance, it formulated regulations on voter registration, a code of conduct for Commission staff and accreditation guidelines for national and international observers. It introduced a process whereby political parties would draft their own code of conduct. The Commission began the civic education campaign in January and, on 7 February, announced the electoral timetable: voter registration would take place from 25 April to 21 May and the voter registers would be exhibited from 27 June to 1 July; elections would be held on 11 October and the results would be announced by 26 October.

Election messages targeting various segments of the population, including women, youth and ex-combatants, were prepared and media development training provided to radio station managers and journalists. UNMIL was to deploy its electoral staff to 11 counties by mid-March and set up electoral offices in 17 major locations by 21 March. Its troops provided security for the establishment of county electoral offices and identification of voter registration locations, as
well as escort for electoral officials and logistics support for the distribution of election materials throughout the country. The Secretary-General strongly recommended the deployment of a fifth formed police unit for six months beginning in August, to reinforce UNMIL capacity to maintain a secure environment during the electoral period. The UNMIL Gender Unit, in cooperation with relevant partners and stakeholders, was working to ensure fair and genuine representation of women in the electoral process.

The Secretary-General reported in June [S/2005/560] that the voter registration process, held from 25 April to 21 May, was a notable success. Some 1.3 million voter registration forms were received from the 1,511 registration centres, which were supported by 1,039 static and mobile teams deployed nationwide to conduct the registration. Returning refugees were allowed an additional two-week period to register.

The Secretary-General reported in September [S/2005/361] that 22 political parties had been registered; eight others were registered under the umbrella of two alliances and one coalition, namely, the Alliance for Peace and Democracy, the United Democratic Alliance and the Coalition for the Transformation of Liberia. Several key milestones were reached, including the issuance of the Writ of Election on 13 July, the publication of the electoral districts on 15 July, the nomination of candidates from 21 July to 6 August, and the beginning of the campaign period on 15 August. The voters' register was exhibited from 30 June to 2 July, followed by the determination of rejections and challenges and consequent adjustments to the register. As of 1 September, the number of registered voters stood at 1,353,556.

The official list of candidates was published on 15 August. The National Elections Commission approved 22 presidential candidates, 22 vice-presidential candidates, 205 candidates for the Senate and 513 to the House of Representatives. Earlier, on 23 July, the Commission approved regulations on complaints and appeals, establishing its original jurisdiction over specified electoral offences; campaign finance guidelines and forms; directives to magistrates on their legal obligations in the electoral process; polling and counting procedures and related guidelines and regulations.

UNMIL and the UN country team assisted the Commission in overcoming the significant operational challenges of holding three elections on the same day during the rainy season in conditions of poor road networks. Direct technical assistance to the Commission was provided by the European Commission and the International Foundation for Election Systems.

**Elections.** The voting on 11 October was orderly and peaceful with no serious security incidents reported. Voter turnout was 74.9 per cent. Nine political parties and three independent candidates won seats in the 30-seat Senate. Five of the newly elected Senators were women (16.7 per cent). Eleven political parties and seven independent candidates obtained seats in the 64-seat House of Representatives. As none of the presidential candidates received more than 50 per cent of the votes in the first-round election, the National Elections Commission scheduled a run-off election on 8 November between the two candidates with the most votes: George Weah of the Congress for Democratic Change (CDC) (28.3 per cent) and Ellen Johnson-Sirleaf of the Unity Party (19.8 per cent). Although negative campaigning contributed to a somewhat tense political atmosphere, the run-off election took place in a peaceful atmosphere. On 9 November, as the National Elections Commission released the results, Mr. Weah's party, CDC, claimed having evidence of “massive and systematic” fraud during the run-off, submitted its complaints to the Commission and filed a petition with the Supreme Court to suspend ballot counting. CDC supporters held demonstrations in Monrovia, requesting a rerun of the elections. To calm the situation, the Secretary-General telephoned the two candidates to urge their supporters to exercise patience and allow the vote counting to be completed. On 16 November, the Elections Commission began open hearings on 16 complaints alleging irregularities; UNMIL initiated a review aimed at tracking the movement of all ballot papers.

On 23 November, the final official results of the run-off, as certified by the Board of Commissioners of the National Elections Commission, were announced: Mrs. Johnson-Sirleaf obtained 59.4 per cent of the vote and Mr. Weah, 40.6 per cent out of 805,572 valid votes cast. Voter turnout was 61 per cent. In keeping with the Electoral Reform Law, the parties were allowed one week to protest the declaration of the results, and the Elections Commission one month to respond. The complainants could also appeal the ruling of the Commission with the Supreme Court.

The first round of the elections was monitored by 436 international electoral observers, and the second by 302, who characterized them as peaceful, orderly, free, fair and transparent.

The Secretary-General later reported [S/2006/150] that, on 16 December, the National Elections Commission concluded its hearings on the CDC’s complaints of irregularities and ruled that, while minor technical errors might have occurred in...
the electoral process, there had been no intent to commit fraud. On 21 December, following appeals from several regional leaders, Mr. Weah announced that he would not challenge the Commission’s ruling in the Supreme Court. That paved the way for arrangements for the installation of the President-elect, Mrs. Johnson-Sirleaf.

**EU statement.** The EU, in an 11 November statement [8/S/2005/802], called upon the candidates, their parties and supporters to continue to demonstrate their commitment to the responsibilities they had shown during the campaigning and voting, and to abide by established procedures. It also reiterated the importance for the new Government, Senate and House of Representatives to cooperate fully with the international community in ensuring that the former President of Liberia was brought before the Special Court for Sierra Leone.

**UNMIL mandate to apprehend former President of Liberia**

The Secretary-General noted in his September report (above) that some Governments and human rights organizations continued to call on Nigeria to hand over to the Special Court for Sierra Leone the former President of Liberia, Charles Taylor, under indictment by the Court and in asylum in Nigeria (see p. 287). The Minister of Justice of Liberia, in a 5 July statement, alleged that Mr. Taylor had been meddling in Liberian politics and thus called for a review of the agreement for his asylum, a statement from which the National Transitional Government dissociated itself. The July special summit of the Mano River Union (see p. 228) issued a communiqué indicating that a review or a referral of the matter by Nigeria to ECOWAS might be necessary. For its part, Nigeria reaffirmed its commitment to honour the asylum agreement and hand over Mr. Taylor only at the request of the incoming Government of Liberia.

**SECURITY COUNCIL ACTION**

On 11 November [meeting 5904], the Security Council unanimously adopted resolution 1638 (2005). The draft [S/2005/70] was submitted by Denmark, the United Kingdom and the United States.

*The Security Council,*

*Recalling* its previous resolutions and the statements by its President concerning Liberia, Sierra Leone and West Africa,

*Affirming* its commitment to the sovereignty, political independence and territorial integrity of Liberia,

*Expressing* its appreciation to Nigeria and its President, Mr. Olusegun Obasanjo, for their contributions to restoring stability in Liberia and the West African subregion, and acknowledging that Nigeria acted with broad international support when it decided to provide for the temporary stay in Nigeria of former President Charles Taylor,

*Stressing* that former President Taylor remains under indictment by the Special Court for Sierra Leone, and determining that his return to Liberia would constitute an impediment to stability and a threat to the peace of Liberia and 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 Liberia shall include the following additional element: to apprehend and detain former President Charles Taylor in the event of a return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone, and to keep the Government of Liberia, the Government of Sierra Leone and the Security Council fully informed;

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

**Further peace process developments**

**Report of Secretary-General (December).**

The Secretary-General, in his December progress report on UNMIL [S/2005/704], describing developments related to the October presidential and legislative elections (see p. 266) and further progress made in the implementation of the 2003 Comprehensive Peace Agreement and the factors that hampered completion of a number of the priorities set out in the Agreement.

The report pointed out that, in the prevailing calm but fragile security environment, potentially serious security challenges could come from the armed forces personnel not satisfied with their demobilization and retirement benefits; restive ex-combatants awaiting reintegration opportunities; CDC supporters disgruntled over the run-off elections; members of the former Anti-Terrorist Unit wanting to participate in the demobilization programme; and security problems in western Côte d’Ivoire.

Further progress was made in the training and restructuring of the Liberian National Police. The previously announced target of 1,800 trained police was achieved by the time of the October elections. More than 300 Special Security Service personnel and 152 Liberian Seaport Police had graduated from the UN training programme. The Government approved a new structure for the Special Security Service, reducing its current strength of 1,287 to 395, including 35 civilian staff. Under the programme to restructure the Armed Forces of Liberia, led by the United States, the first phase of the demobilization of 9,400 irregular personnel recruited into...
the armed forces after the outbreak of the civil war in 1989 was successfully completed on 10 September. The second phase, under which 4,273 regular personnel recruited before the conflict were to be retired, began on 17 October; only 2,227 had been retired by 1 December, as funding for that phase was $3 million short. In that regard, recruitment and training for the new armed forces could not begin before completion of the second phase. Due to acute budgetary constraints, the projection of overall troop strength for the new Armed Forces of Liberia was reduced from 4,000 to 2,000—a level to be kept under review to take account, not only of resource availability, but also of long-term national requirements and potential external threats. UNMIL continued to work with the Government on the restructuring of other law enforcement agencies.

To bring the Truth and Reconciliation Commission into operation, the Government on 18 October appointed nine commissioners from a list of 150 publicly nominated candidates. In addition, OHCHR submitted the name of one of three international technical advisers to support the Commission’s operations; ECOWAS would designate the other two. The independent expert on the promotion and protection of human rights in Liberia, during his second visit to the country (25 September–7 October), expressed concern about the weak state of the rule of law and welcomed the inception of the Commission. UNMIL also launched its first bimonthly public report on the human rights situation in Liberia.

The Government achieved mixed progress in gaining full control over the exploitation of the country’s natural resources. To fulfil the conditions for admission to the Kimberley Process Certification Scheme for the export of rough diamonds, a chief implementing officer was appointed and 120 mineral agents and inspectors were deployed throughout the country. However, in Gbarpolu and Nimba counties, where diamond deposits had been recently discovered, local officials were reportedly engaged in the illegal sale of mining permits. In the forestry sector, the Government referred fraudulently granted concessions to the Ministry of Justice for action, and lifted the ban on pit-sawing imposed in 2004 by the Forestry Development Authority to reduce the level of deforestation. The World Bank disbursed $1 million through the Global Environment Facility for a project to support the Authority’s activities to protect Sapo National Park, following the evacuation of over 1,000 people illegally residing, hunting and mining there.

The Secretary-General observed that the elections constituted the penultimate step towards completing the two-year transition period stipulated in the Comprehensive Peace Agreement, which would end in January 2006 with the installation of the new Government, and congratulated Mrs. Johnson-Sirleaf on her victory in the presidential election. He said the achievements made during the transition period—the disarmament of combatants, the disbandment of the former armed factions, the establishment of a stable security environment throughout the country, the partial restoration of State authority in the counties, the resettlement of a substantial number of internally displaced persons and returning refugees, the establishment of the Truth and Reconciliation Commission, the launching of the security sector reform programme and the agreement to establish the Governance and Economic Management Assistance Programme—all had laid a good foundation upon which the new Government should build.

The challenges ahead were formidable for a country still in the early stages of reconstruction and rehabilitation, as major residual tasks from the transition period remained to be completed, including the reintegration of war-affected persons and ex-combatants; consolidation of State authority throughout the country; promotion of human rights; rehabilitation of the judicial system; advancement of security sector reform and implementation of the economic governance programme. Other pressing priorities not part of the transition programme that required attention were constitutional reform, economic recovery, poverty reduction and the provision of such basic services as water and electricity.

From the outset, the new Government would need to focus on economic governance issues, particularly in the management of funds and natural resources. With the mandate of the Governance Reform Commission expiring in January 2006, Liberia’s international partners stood ready to discuss a successor arrangement to move the governance reform process forward. The Contracts and Monopolies Commission was to be replaced by the Public Procurement and Concessions Commission as from 1 January 2006.

The Secretary-General hoped the new Government would promptly open an effective and sustained dialogue with the people of Liberia, focusing on programmes to improve their living conditions in the shortest possible time and on policy and institutional reforms pivotal to political stability and economic progress. Under the leadership of his Special Representative, UNMIL and the UN country team were developing a peacebuilding framework to guide UN support for the new Government.

Appointment. On 28 December [SG/A/966], the Secretary-General appointed Jordan Ryan (United
States) as his Deputy Special Representative for Recovery and Good Governance for Liberia, with effect from 1 January 2006. He would also serve as the United Nations Resident Coordinator and Humanitarian Coordinator in the country.

Sanctions

The Security Council received several reports on the implementation of sanctions imposed on Liberia pursuant to Council resolutions 1521 (2003) \[YUN 2003, p. 208\] and 1579(2004) \[YUN 2004, p. 208\]. Those sanctions banned arms and related materiel, military training, the export of Liberian timber products and rough diamonds, and international travel by individuals so designated, who constituted a threat to the peace process in Liberia and the subregion. Financial sanctions had also been imposed on former President Charles Taylor and his immediate family by resolution 1532(2004) \[ibid., p. 204\].

Appointment of Panel. On 17 January \[S/2005/35\], the Secretary-General informed the Council of his appointment of five members of the Panel of Experts established pursuant to resolution 1579(2004), which was mandated to conduct an assessment mission to Liberia and neighbouring States in order to report on the implementation of resolution 1521 (2003) and any violations of the sanctions imposed by that resolution and those imposed by resolution 1532(2004); progress made towards meeting the conditions for lifting the sanctions; and the humanitarian and socioeconomic impact of the measures imposed by resolution 1521 (2003).

An 11 February press statement \[SC/8308\] chronicled the fifth meeting (New York, 4 February) of the Security Council Committee established pursuant to resolution 1521(2003), at which the Panel of Experts presented their programme of work, which was scheduled to run through 21 June 2005. In Liberia, the Panel would hold meetings with individuals inside and outside the Government and visit a number of relevant sites.

Implementation of sanctions regime

Report of Expert Panel (March). The Panel of Experts established pursuant to Security Council resolutions 1521 (2003) and 1579(2004) concerning Liberia transmitted a March interim report \[S/2005/176\] to the Council, which contained the assessment on diamonds. Having visited the country in February and worked closely with the Kimberley Process expert mission, as well as the Liberian Ministry of Lands, Mines and Energy, the Panel identified developments that were undermining Liberia’s endeavours to meet the requirements of the Security Council for lifting the embargo on exporting rough diamonds.

The training of outstation personnel for the Bureau of Mines, including regional coordinators, mining agents and mineral inspectors, continued but a lack of funding prevented them from being placed on the payroll and deployed to the field. The issuance of all diamond-mining licences and permits was suspended, effective from 14 January, which essentially outlawed all diamond-mining activity, and a moratorium placed on alluvial diamond prospecting. While the Panel commended the Ministry of Lands, Mines and Energy initiative to combat the illegal export of diamonds, the legality of the suspension under the Liberian Constitution had been questioned. Furthermore, the Ministry lacked the institutional capacity and authority to enforce the policy in remote mining areas. Slow funding had curtailed progress on a capacity-building project designed to improve implementation of the Kimberley Process Certification Scheme and on the completion of the facilities to house the assaying and computer equipment for the Scheme. Aerial surveys of established mining areas in Nimba County and the Upper Lofa River region were conducted by the Panel with UNMIL assistance. Despite the mining moratorium in force, the Panel estimated illegal domestic diamond production at $350,000 per month.

The Kimberley Process expert mission visited Liberia from 14 to 18 February and assessed steps taken by the Government to apply for participation in the Kimberley Process Certification Scheme. The expert mission found that Liberia had not met the requirements for participating in the scheme, as the country lacked functional internal controls and monitoring systems. Furthermore, the absence of UNMIL peacekeepers, State security and government administration in the diamond-producing regions in the west, was contributing to illegal mining activities in the country. The Panel of Experts shared the view of the expert mission and concluded that Liberia was not yet in a position to make a successful application for participation in the Kimberley Process.

Report of Expert Panel (June). The Panel of Experts submitted a June report \[S/2005/360\], pursuant to paragraph 8 (f) of Security Council resolution 1579(2004), which contained an assessment on all sanctions. The Panel noted that UN forces, including civilian police, had discovered a substantial number of weapons and ammunition, including a weapons cache discovered in February in Vahun, Lofa County. A local civilian source and an UNMIL security officer were of the opin-
As funding to implement mechanisms for participation in the Kimberley Process Certification Scheme would remain suspended until outstanding questions regarding the WAMCO deal had been answered, the Panel recommended that international donors interested in diamond sector reform work quickly with the Government and WAMCO to resolve the issue. It concluded that levels of illegal mining and export of Liberian diamonds would continue to grow steadily. As the Government lacked the capacity to deal with the problem and unchecked mining activity would pose an increasing threat to security and stability in the mining areas, the Panel recommended that UNMIL be given a robust mandate to assist the Government with its control of illegal mining in order to maintain security. It also advised that an external independent supervisory management structure for Liberia’s mineral resources would be the best solution to problems concerning managerial professionalism and administrative transparency.

While the Panel indicated that there had been no evidence of timber exports or any detection of industrial logging, pit-sawing—the processing of logs using chainsaws—had been increasing, in spite of the ban on that activity since 15 September 2000. The Panel concluded that, while the export sanctions were effective, the domestic industry continued to operate illegally and few of the necessary reforms had been implemented. In addition to its previous recommendations, the Panel proposed that a management organization to control the forestry sector should be established.

The Panel determined that the Government’s financial administration was weak, with nonexistent internal control systems and ineffective external oversight. A lack of transparency and accountability in the system allowed import revenue to leak from Government coffers and the method used in siphoning off Government revenues appeared to be the same as during the regime of Charles Taylor, who continued to be provided, according to unconfirmed reports, with monetary support from those funds.

The Panel concluded that the assets freeze had been ineffective. The Government had not taken action to implement it and the time lag between the travel ban resolution and the issuance of the assets freeze list had allowed time for concerned individuals to transfer funds.

Report of Secretary-General (June). Also in June [S/2005/376], pursuant to Security Council resolution 1579(2004), the Secretary-General submitted a report on progress made by Liberia in meeting the conditions of resolution 1521.
The Secretary-General observed that the Government continued to take steps towards meeting the conditions contained in resolution 1521 (2003). With regard to the arms embargo, the ending of the disarmament and demobilization process and the dissolution of the armed factions had signalled the completion of the implementation of the ceasefire agreement. However, a key condition for lifting the arms embargo and travel ban was full implementation of the Comprehensive Peace Agreement, including the holding of national elections (see p. 266), installation of a new Liberian Government, scheduled to take place in 2006, and the laying of foundations for sustainable development and good governance. Furthermore, delays in the restructuring of the armed forces and the provision of reintegration opportunities for former combatants remained a threat to stability and the success of the transitional process.

Despite some progress in meeting the conditions for lifting the diamond sanctions, such as the training and deployment of mineral inspectors and the construction of a centre for appraising and certifying rough diamonds, the Government lacked the capacity to ensure effective control over diamond-producing areas and Liberia’s borders. As UNMIL lacked both the mandate and the troop levels to perform such a role, the Secretary-General recommended that the Security Council consider broadening the mandate and increasing UNMIL’s resources to enable the Mission to assist the Government in providing security in the diamond and timber-producing areas. With respect to the timber industry, governmental reforms to ensure that revenues were used for legitimate purposes had not been implemented. The Secretary-General recommended that the Government invite an internationally recognized forestry management team to temporarily oversee operations in the forestry sector.

SECURITY COUNCIL ACTION


The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,


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 and the recruitment and use of mercenaries 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) of 22 December 2003 were designed to prevent such illegal exploitation from fueling 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 concern that, while the deployment of the United Nations Mission in Liberia has contributed to the improvement of security throughout Liberia, the National Transitional Government of Liberia has not yet established its authority throughout Liberia,

Emphasizing the need for the international community to help the National Transitional Government of Liberia to increase its capacity to establish its authority throughout Liberia, particularly to establish its control over the diamond-producing and timber-producing areas and Liberia’s borders,

Expressing deep concern at information 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 meeting the conditions set forth in paragraphs 5, 7 and 11 of resolution 1521 (2003),

Welcoming the assessment of the Panel of Experts that there is no evidence of illegal timber being exported from Liberia, but noting with concern that few of the reforms in the National Transitional Government of Liberia road map necessary to meet the conditions set forth in paragraph 11 of resolution 1521 (2003) for lifting the measures on timber imposed by paragraph 10 of resolution 1521 (2003) have been implemented,

Acknowledging the recent completion of the Forest Concession Review, and welcoming the report of the Forest Concession Review Committee,

Welcoming the progress made by the National Transitional Government of Liberia in the training of diamond mining officials, but noting with serious concern the increase in unlicensed mining and illegal exports of diamonds and the agreement to, and lack of transparency in, granting exclusive mining rights to a single company by the National Transitional Government,

Noting with concern the limited progress made by the National Transitional Government of Liberia towards establishing transparent financial management systems that will help ensure that government revenues are not used to fuel conflict or otherwise undermine the implementation of the resolutions of the Council but are used for legitimate purposes for the benefit of the Liberian people, including development,

Taking note of the ongoing discussions regarding a Liberia Economic Governance Action Plan, designed to ensure prompt implementation of the Comprehensive...
sive Peace Agreement and to expedite the lifting of measures imposed by resolution 1521(2003), and expressing its intention to consider, as appropriate, the Action Plan.

Emphasizing that, despite completion of demobilization and disarmament, significant challenges remain in completing the reintegration and repatriation of ex-combatants and the restructuring of the security sector, as well as establishing and maintaining stability in Liberia and the subregion,

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), to renew the measures imposed by paragraph 6 of resolution 1521(2003) for a further period of six months from the date of adoption of the present resolution;

2. Urges the National Transitional Government of Liberia to intensify its efforts, with the support of the United Nations Mission in Liberia, to establish its authority over the diamond-producing areas and to work towards establishing an official certificate-of-origin regime for trade in rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process;

3. Reiterates the Council’s readiness to terminate all measures imposed by resolution 1521(2003) once the conditions set forth in paragraphs 5, 7 and 11 of that resolution have been met;

4. Calls upon the National Transitional Government of Liberia urgently to intensify its efforts to reform the Forestry Development Authority, to implement the Liberia Forest Initiative and to implement the recommendations of the Forest Concession Review Committee for reform, which will ensure transparency, accountability and sustainable forest management and contribute towards the lifting of the measures on timber set forth in paragraph 10 of resolution 1521(2003);

5. Invites the National Transitional Government of Liberia to consider, with the assistance of international partners and for a specific time period, the possibility of commissioning independent external advice on the management of Liberia’s diamond and timber resources, in order to increase investor confidence and attract additional donor support;

6. Notes that the measures imposed by paragraph 1 of resolution 1532(2004) remain in force to prevent former President of Liberia 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 subregion, and reconfirms its intention to review these measures at least once a year;

7. Reiterates its intention to consider whether and how to make available to the Government of Liberia the funds, other financial assets and economic resources frozen pursuant to paragraph 1 of resolution 1532(2004), 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;

8. Emphasizes its concern that the National Transitional Government of Liberia has taken no action to implement its obligations under paragraph 1 of resolution 1532(2004), and calls upon the Government to take such action immediately, particularly by adopting the necessary domestic legislation, with technical support provided by Member States;

9. Notes that the measures on arms, travel and timber imposed by paragraphs 2, 4 and 10 respectively of resolution 1521(2003) and renewed by paragraph 1 of resolution 1579(2004) remain in force until 21 December 2005;

10. Urges the Mission to intensify its efforts, as mandated in resolution 1509(2003) of 19 September 2003, to assist the National Transitional Government of Liberia in re-establishing its authority throughout Liberia, including diamond-producing areas, and restoring proper administration of natural resources;

11. Reiterates the importance of the Mission to continue to provide assistance to the National Transitional Government of Liberia, the Security Council Committee established pursuant to paragraph 21 of resolution 1521(2003) (hereinafter “the Committee”) and the Panel of Experts, within its capabilities and areas of deployment and without prejudice to its mandate, in the following areas:

(a) Monitoring the implementation of the measures in paragraphs 2, 4, 6 and 10 of resolution 1521(2003) in accordance with paragraph 23 of that resolution;

(b) Supporting efforts by the National Transitional Government to prevent violations of those measures, and reporting any such violations;

(c) Collecting, as appropriate, arms and any related materiel brought into Liberia in violation of the measures taken by States to implement paragraph 2 of resolution 1521(2003), and disposing of such arms and related materiel as appropriate;

(d) Assisting the National Transitional Government in monitoring the recruitment and movement of ex-combatants, and reporting any relevant information to the Panel of Experts and the Committee, in order to reduce the opportunity for ex-combatants to undermine the peace process or provoke renewed instability in Liberia and the subregion;

(e) Developing a strategy, in conjunction with the Economic Community of West African States and other international partners, to consolidate a national legal framework as mandated in resolution 1509(2003), including the implementation by the National Transitional Government of the measures in paragraph 1 of resolution 1532(2004);

12. 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 intensify their cooperation, within their capabilities and areas of deployment and without prejudice to their mandates, to monitor arms trafficking and recruitment of mercenaries within the subregion;

13. Reiterates its call upon the international donor community to continue to provide assistance to the peace process, including for reintegration of ex-combatants and reconstruction, to contribute generously to consol-
idated 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 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 5 above, so that the measures can be lifted as soon as possible;

14. Decides to re-establish the Panel of Experts appointed pursuant to resolution 1579(2004) for a further period until 21 December 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 imposed by resolution 1521(2003), 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 for lifting the measures imposed by resolution 1521(2003); 

(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 by 7 December 2005, through the Committee, on all the issues listed in the present paragraph, and to provide informal updates to the Committee, as appropriate, before that date, especially on progress made towards meeting the conditions for lifting the measures imposed by paragraphs 6 and 10 of resolution 1521(2003);

(f) To cooperate with other relevant groups of experts, in particular the group of experts on Côte d'Ivoire established pursuant to resolution 1584(2005) of 1 February 2005;

15. 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 1579(2004), and further requests the Secretary-General to make the necessary financial and security arrangements to support the work of the Panel;

16. Calls upon all States and the National Transitional Government of Liberia to cooperate fully with the Panel of Experts;

17. Decides to remain seized of the matter.

The Secretary-General, on 22 July [S/2005/480], informed the Security Council of the names of the five experts he had appointed to the Panel of Experts pursuant established by resolution 1607(2005) (see above).
documented a number of violations, as well as the fraudulent use of Liberian passports. The Panel recommended a review of the passport system.

One and a half years after its imposition, the assets freeze had yet to be implemented. The Panel recommended that the international community should pressure the incoming Government to implement the freeze. A midterm review of the assets of designated persons should be conducted and the necessary legal action to confiscate their assets undertaken.

On economic matters, the Panel recommended that the measures should be renewed, and encourages the new Government of Liberia to implement the Governance and Economic Management Assistance Program, designed to ensure prompt implementation of the Comprehensive Peace Agreement signed at Accra on 18 August 2003 and expedite the lifting of the measures imposed by resolution 1521 (2003);

Taking note of the report of the Panel of Experts on Liberia of 25 November 2005,

Having reviewed the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521 (2003) of 22 December 2003 and paragraph 1 of resolution 1532 (2004) of 12 March 2004 and the progress towards meeting the conditions set out in paragraphs 5, 7 and 11 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the new Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

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 assessment of progress made to date 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;
   (b) To renew the measures on diamonds and timber imposed by paragraphs 6 and 10 of resolution 1521 (2003) for a further period of six months from the date of adoption of the present resolution;
   (c) To review any of the above measures at the request of the new Government of Liberia, once the Government reports to the Security Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

2. Reiterates the Council’s readiness to terminate these measures once the conditions set forth in paragraphs 5, 7 and 11 of resolution 1521 (2003) have been met;

3. Welcomes the determination of the President-elect of Liberia, Mrs. Ellen Johnson-Sirleaf, to meet the conditions for terminating the measures thus renewed, and encourages the new Government of Liberia:
   (a) To reform the Forestry Development Authority, to implement the Liberia Forest Initiative and to implement the recommendations of the Forest Concession Review Committee for reform and cancellation of existing logging concessions, which will ensure transparency, accountability and sustainable forest management and contribute towards the lifting of the measures on timber in accordance with paragraphs 11 and 12 of resolution 1521 (2003);
   (b) To consider, with the assistance of international partners and for a specific time period, the possibility of commissioning independent external advice on the management of Liberia’s diamond resources, in order to increase revenue and investor confidence and to attract additional donor support;

4. Encourages the new Government of Liberia to implement the Governance and Economic Management Assistance Program, designed to ensure prompt implementation of the Comprehensive Peace Agreement signed at Accra on 18 August 2003 and expedite the lifting of the measures imposed by resolution 1521 (2003);
5. Welcomes the assistance provided by the United Nations Mission in Liberia to the Government of Liberia in re-establishing its authority throughout the country, and encourages the Mission to continue its joint patrols with the Forestry Development Authority;

6. Notes that the measures imposed by paragraph 1 of resolution 1532(2004) remain in force, and re-confirms its intention to review those measures at least once a year;

7. Emphasizes its concern that the National Transitional Government of Liberia took no action to implement its obligations under paragraph 1 of resolution 1532(2004), and calls upon the incoming Government to take such action immediately, particularly by adopting the necessary domestic legislation, with technical support provided by Member States;

8. Calls upon the international donor community to support the incoming Government of Liberia by providing generous assistance to the peace process, in particular to establish a group of experts on Côte d'Ivoire established pursuant to resolution 1643(2005) of the individuals described in paragraph 4 of resolution 1521(2003), including any information relevant to the reintegration of ex-combatants, reconstruction and humanitarinian appeals, and by responding to the financial, administrative and technical needs of the Government, in particular to assist the Government to meet the conditions referred to in paragraph 2 above, so that the measures can be lifted as soon as possible;

9. Decides to re-establish the Panel of Experts appointed pursuant to resolution 1607(2005) of 21 June 2005 for a further period until 21 June 2006 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, of the measures imposed by resolution 1521(2003), including any information relevant to the designation by the Security Council Committee established pursuant to resolution 1521(2003) of the individuals described in paragraph 4(a) of resolution 1521(2003) and the individuals and entities described in paragraph 1 of resolution 1532(2004), and including the various sources of financing, such as from natural resources, for the illicit trade in 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 for lifting the measures imposed by resolution 1521(2003);

(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 2006 on all the issues listed in the present paragraph, and to provide informal updates to the Committee, as appropriate, before that date, especially on progress made towards meeting the conditions for lifting the measures imposed by paragraphs 6 and 10 of resolution 1521(2003);

(f) To cooperate with other relevant groups of experts, in particular on arms, timber, diamonds, finance, and humanitarian and socio-economic issues, drawing as much as possible on the expertise of the members of the Panel of Experts established pursuant to resolution 1607(2005), and further requests the Secretary-General to make the necessary financial and security arrangements to support the work of the Panel;

11. Calls upon all States and the Government of Liberia to cooperate fully with the Panel of Experts;

12. Decides to remain seized of the matter.

Security Council Committee. The Security Council Committee established pursuant to resolution 1521(2003) concerning Liberia submitted a report [S/2006/464] on its activities for the period 1 January to 31 December 2005. During the reporting period, the Committee held two formal meetings and 12 informal consultations.

The Committee received two requests for exemptions to the arms embargo. It approved a request to allow for the equipping and training of the Liberian armed forces and police. However, the second request, which involved the import of sidearms for the Liberian police, remained in limbo as, at the end of the year, the Committee had not received a waiver request from any exporting State in that connection. It also received and approved the export of non-lethal military equipment for the drilling of boreholes to provide water to outlying villages.

The Committee considered nine requests for travel ban waivers, of which four were granted. It held quarterly reviews of the travel ban list initially issued on 16 March 2004 [YUN 2004, p. 211], retaining the names of 32 persons listed as at 31 December 2004, and adding seven more in 2005.

The Committee conducted one six-month review of the assets freeze list in June, and on 30 November, it added the names of two individuals and 30 entities to the list.

Harmonization of the contents of both the travel-ban and assets-freeze lists was concluded in May, thereby presenting identical information on individuals inscribed on both lists. The Committee received two replies from States on actions taken to implement the sanctions provided for in resolution 1521(2003) and four replies from States on actions taken to trace and freeze the funds, other financial assets and economic resources described in resolution 1532(2004).

Sierra Leone

In 2005, Sierra Leone continued to maintain strict adherence to the 2000 Agreement on the Ceasefire and Cessation of Hostilities [YUN 2000, p. 210] and accelerated its efforts to meet the benchmarks laid down by the Security Council in
2004 for the completion of the country’s transition phase and the corresponding drawdown of the United Nations Mission in Sierra Leone. With the gradual achievement of the benchmarks, the Mission began drawing down further in mid-September, while ensuring a seamless transition from peacekeeping to peacebuilding. By the completion of its withdrawal at the end of December, the Mission left behind a country with great potential to achieve lasting stability, democracy and prosperity. The Mission’s collaborative effort with the partnerships it had forged during its six years of operation had placed Sierra Leone on a firm path to its next phase of post-conflict recovery and peacebuilding.

To assist the Government to consolidate peace, build the national capacity for conflict prevention and prepare for the 2007 elections, the Council requested the Secretary-General to establish the United Nations Integrated Office in Sierra Leone, for an initial 12-month period beginning on 1 January 2006, on the basis of his recommendations. To complete the restructuring and training of the Sierra Leone security forces, which had assumed full responsibility for the maintenance of security in the country, the United Kingdom committed the International Military Advisory and Training Team, which it led, to providing continued training to the armed forces until at least 2010.

The Special Court for Sierra Leone continued to try those bearing the greatest responsibility for serious violations of international humanitarian and Sierra Leonean laws committed in the territory of Sierra Leone since 1996. In a statement before the Council, the President of the Court emphasized the importance of the expeditious apprehension and trial of two indictees who remained at large for the credibility of the Court and for its contribution to combating the culture of impunity. He estimated that the trials would be completed by the end of 2006 and that the appeals stage would take another four to six months. With the departure of the Mission, which provided security for the Court, the Council, by resolution 1626(2005), authorized the United Nations Mission in Liberia to assume that responsibility from November, as recommended by the Secretary-General.

In the light of the favourable security environment in Sierra Leone, and no reported violations or alleged violations of the sanctions regime in the country for at least two years, its Chairman recommended that the Council revisit the legal basis of the sanctions in force in Sierra Leone.

**UNAMSIL**

The United Nations Mission in Sierra Leone (UNAMSIL), established by Security Council resolution 1270(1999) [YUN 1999, p. 165], continued to be headed by the Special Representative of the Secretary-General for Sierra Leone, Daudi Ngelautwa Mwakawago (United Republic of Tanzania). The Deputy Special Representative, Victor da Silva Angelo, also served as Resident Representative of UNDP and UN Resident Coordinator in Sierra Leone.

In accordance with Council resolution 1537 (2004) [YUN 2004, p. 24], which defined the configuration of the Mission’s residual presence in the country for an initial six-month period to 30 June 2005, the Mission completed its transition to such presence at the end of February 2005, having reduced its troop strength from the December 2004 level of 5,000 to 3,250 troops, 141 military observers and 80 civilian police. By Council resolution 1610(2005), the mandate of the Mission was extended for a final period of six months, until 31 December 2005.

As Sierra Leone prepared to enter its next peacebuilding phase, the Mission’s planned withdrawal of its 3,200-strong force, which began in mid-September, was carried out in three phases, starting with closing the UN military observers’ team sites, then withdrawing the force, and finally closing UNAMSIL headquarters. Meanwhile, a media campaign designed by UNAMSIL and other stakeholders was under way to raise national and international awareness about the achievements and exit strategy of the Mission and the mandate of the incoming United Nations Integrated Office in Sierra Leone (UNIOSIL) (see p. 281). Activities outlined in the joint UNAMSIL/UN country team transition plan continued, aimed at ensuring a seamless transition from peacekeeping to peacebuilding in Sierra Leone, while facilitating the Mission’s exit strategy and preparing the ground for the establishment of UNIOSIL.

The UNAMSIL withdrawal was scheduled for completion by the end of December. As of 1 December, some 1,160 troops and 69 military observers remained in Freetown; 46 military police continued to operate from team sites in Freetown, Kenema, Bo, Makeni and Lungi, which would remain operational until 31 December, when all police personnel would be repatriated. A team of 10 officers would be retained temporarily to facilitate a smooth transition to UNIOSIL. Some 87 administrative support staff would also be retained to carry out the liquidation of UNAMSIL between 1 January and 30 June 2006.

By presidential statement S/PRST/2005/63 (see p. 286), the Council commended UNAMSIL for its invaluable contribution over the past six
years to Sierra Leone’s recovery from conflict and its progress towards peace, democracy and prosperity, as well as the Secretary-General’s Special Representatives and all who had made the Mission a success, especially those who had helped it recover from its 2000 crisis [YUN 2000, p. 194].

Financing

In June, during its resumed fifty-ninth (2005) session, the General Assembly considered the performance report on the UNAMSIL budget for 1 July 2003 to 30 June 2004 [A/59/635 & Corr.1], showing expenditures of $448,734,400 against a total appropriation of $520,053,600; the performance report on the UNAMSIL budget for 1 July 2005 to 30 June 2006 [A/59/758 & Corr.1], totalling $107,159,700, together with the Secretary-General’s related note on maintenance and liquidation costs [S/2005/273/Add.1]; the proposed donation of assets to the Government of Sierra Leone with an inventory value of $8,406,072 and a corresponding residual value of $3,829,178 [A/59/790]; and the related ACABQ report [A/59/756/Add.9].

ACABQ recommended approval of the proposed budget. Noting that UNAMSIL was the first mission to have established an Asset Disposal and Environmental Protection Unit, ACABQ asked the Department of Peacekeeping Operations (DPO) to integrate the lessons learned into its best practices documentation for sharing with other missions; it also recommended acceptance of the Secretary-General’s proposed donation of assets to the Government of Sierra Leone.

GENERAL ASSEMBLY ACTION

On 22 June [meeting 104], the General Assembly, on the recommendation of the Fifth Committee [A/59/527/Add.1], adopted resolution 59/14B without vote [agenda item 156].

Financing of the United Nations Mission in Sierra Leone

B

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 1502(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 59/14A of 29 October 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, 310(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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;
2. 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 of 15 April 2005, including the contributions outstanding in the amount of 94.5 million United States dollars, representing some 3 per cent of the total assessed contributions, notes with concern that only forty-three Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;
3. 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;
4. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;
5. 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;
6. Emphasizes that all future and existing peacekeeping missions shall be given equal and nondiscriminatory 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 ensure the full implementation of the relevant provisions of its resolution 59/296;
11. Also requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

12. 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 2003 to 30 June 2004**

13. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2003 to 30 June 2004;

14. Decides to reduce the appropriation authorized for the Mission for the period from 1 July 2003 to 30 June 2004 under the terms of its resolution 57/291 B of 18 June 2003 from 543,489,900 dollars to 500,436,300 dollars, the amount apportioned among Member States in respect of the same period;

**Budget estimates for the period from 1 July 2003 to 30 June 2006**

15. Decides also to appropriate to the Special Account for the United Nations Mission in Sierra Leone the amount of 113,216,400 dollars, inclusive of 89,606,400 dollars for the maintenance of the Mission for the period from 1 July to 31 December 2003, 17,932,900 dollars for the liquidation of the Mission for the period from 1 January to 30 June 2006, 4,642,100 dollars for the support account for peacekeeping operations and 1,035,000 dollars for the United Nations Logistics Base;

**Financing of the appropriation**

16. Decides further to apportion among Member States the amount of 113,216,400 dollars at a monthly rate of 9,434,700 dollars, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005 and 2006, 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;

17. 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 16 above, their respective share in the Tax Equalization Fund of 4,047,700 dollars, comprising the estimated staff assessment income of 3,307,800 dollars approved for the Mission for the period from 1 July 2005 to 30 June 2006, the prorated share of 656,100 dollars of the estimated staff assessment income approved for the support account and the prorated share of 83,800 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

18. 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 16 above, their respective share of the unencumbered balance and other income in the amount of 54,054,600 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B;

19. 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 amount of 54,054,600 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 18 above;

20. Decides that the increase of 239,200 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be added to the credits from the amount of 54,054,600 dollars referred to in paragraphs 18 and 19 above;

**Donation of assets to the Government of Sierra Leone**

21. Approves the donation of the assets of the Mission, with a total inventory value of 8,406,072 dollars and corresponding residual value of 3,828,178 dollars, to the Government of Sierra Leone;

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

23. Encourages the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission, bearing in mind paragraphs 5 and 6 of Security Council resolution 1592(2003) of 26 August 2003;

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

25. Decides to include in the provisional agenda of its sixtieth session the item entitled "Financing of the United Nations Mission in Sierra Leone".

**UNAMSIL activities**

**Assessment mission**

**Report of Secretary-General (April).** In his April report on UNAMSIL [S/2005/273], the Secretary-General provided an update on the implementation of the benchmarks established by Security Council resolution 1537(2004) [YUN 2004, p. 244] for the residual Mission presence in Sierra Leone, as well as his recommendations concerning the continued UN presence in the country after the Mission’s withdrawal and termination, based on the findings of a UN interdepartmental assessment mission that visited Sierra Leone from 20 to 28 March. The mission evaluated progress on the security situation, strengthening the capacity of the Sierra Leone armed forces and police, consolidating State authority throughout the country, and consolidating the deployment in neighbouring Liberia of the United Nations Mission in Liberia (UNMIL).

The report indicated that, with the aid of UNAMSIL and other bilateral and multilateral partners, the Government of Sierra Leone had
made considerable progress in implementing the benchmarks. The security situation in the country had been calm and stable, with no incidents requiring support from UNAMSIL since September 2004 [ibid., p. 218], when it turned over primary responsibility for security to the Government. Nevertheless, major shortfalls remained in the security sector, especially in the country-wide consolidation of State administration and the restoration of full government control over diamond-mining activities.

With the support of the International Military Advisory and Training Team, led by the United Kingdom, the Government continued to implement a contingency programme aimed at increasing the capacity of the armed forces to deal with external security threats and backstop the police in maintaining law and order. The programme included the deployment of three armed forces brigades to the provinces and border areas; the continued restructuring of the armed forces to reduce their troop strength from some 15,000 to 10,500 by 2007; the establishment of nationwide security and intelligence committees to provide a framework for cooperation in security matters; and the construction of army barracks in the provinces and border areas. However, the programme to prepare the armed forces to assume responsibility for the country’s security was behind schedule as their operational effectiveness was hampered by such logistic shortfalls as the lack of communications equipment and accommodation for the soldiers. In March 2005, the Secretary-General appealed to potential donors to provide assistance in that regard.

The police force, whose strength stood at 8,200 in March, made notable improvements in maintaining internal security with the support of UNDP, the Mission’s civilian police and an international training team. The completed construction of classrooms and dormitories at the Police Training School allowed for an increase in the number of recruits from 400 to 600 per trainee group. Lack of Government funding for training, however, thwarted the chances of reaching the benchmark of 9,500 trained police officers by year’s end. UNAMSIL also increased the capacity of the police through in-service specialist training and the development of training manuals. Since 2003, some 729 middle-management police officers, 109 field-coaching officers and 150 training instructors had been trained. While the Office of National Security had improved its effectiveness and intelligence-gathering capacity, the effectiveness of the central security structures was restricted by limited resources.

The assessment of the security sector in the context of the fragile security situation in the wider Mano River basin, comprising Côte d’Ivoire, Guinea, Liberia and Sierra Leone, brought to the fore potential threats to Sierra Leone’s security from possible tensions in Liberia in connection with its forthcoming October elections, setbacks in the Côte d’Ivoire peace process, instability in Guinea and the unresolved territorial dispute between Guinea and Sierra Leone over the border village of Yenga. President Ahmad Tejan Kabbah and senior security officials informed UNAMSIL that to withdraw on the expiration of its mandate at the end of June would be premature, as the security sector could not effectively assume primary responsibility for the security of the country until the end of 2005.

Further strides were made in the consolidation of State authority through the continuing decentralization process, which provided a framework for the devolution of power and responsibilities between the central and local governments. With the support of the World Bank, UN agencies and UNAMSIL, training and capacity-building programmes were conducted for the recently elected local councils, making them functional; their capacity to deliver services to their communities was seriously curtailed, however, by lack of qualified personnel, funding, logistics and infrastructure. The judiciary was undergoing a gradual but slow consolidation. The administration of justice at the chieftaincy level was reinforced with the appointment of 200 chairpersons of customary courts nationwide. At least one magistrates’ court was operational in each of the 12 administrative districts, and government officials were functioning in all of them. Of great concern were the slow pace in addressing undue delays in the trial and adjudication of cases and the lack of judicial personnel, which were exacerbated by the lack of codified opinions of the Supreme Court and statutory laws. An increased police presence in the provinces had considerably improved the maintenance of law and order.

The Government made considerable progress in controlling the diamond-mining sector by implementing measures to curb illicit mining, including implementation of the Kimberley Process Certification Scheme [YUN 2000, p. 76]. A total of 2,300 diamond-mining licences were issued in 2004, compared to 800 in 2001, and official diamond exports increased from $10 million in 2000 to $127 million in 2004. Also under implementation was the core minerals policy adopted in December 2004, aimed at creating an enabling legal, fiscal and institutional framework for the development of the country’s mineral resources.
Furthermore, a national cadastral system to facilitate the settlement of disputes over mining rights, territorial boundaries and mining sites was being established.

With respect to regional events, the report noted that, at a summit of the Mano River Union (Koindu, Sierra Leone, 20 February), Guinea, Liberia and Sierra Leone pledged to promote regional peace and security and improve economic cooperation. Under a 24 March memorandum of understanding between Sierra Leone and Liberia on the mutual repatriation of ex-combatants, 387 such persons were repatriated to Liberia in April. The urgency of resolving the Sierra Leone–Guinea dispute over Yenga was repeatedly stressed to the assessment mission. Despite the 2 September 2004 statement issued by the two countries reaffirming that Yenga belonged to Sierra Leone, the withdrawal of Guinea’s troops from Yenga and the demarcation of the boundary between them had yet to take place.

The report also highlighted the repatriation of some 271,991 Sierra Leonean refugees since 2001, largely with UNHCR assistance; the establishment of human rights committees in nine of the 12 administrative districts; the expected follow-up to the recommendations of the Truth and Reconciliation Commission contained in its final report to the President in October 2004 (YUN 2004, p. 217); and an update on the trials at the Special Court for Sierra Leone (see p. 286).

The Secretary-General indicated areas requiring attention to further enhance stability in Sierra Leone: political and electoral reform; good governance; issues related to youth, women and children; justice sector reform; capacity-building of the security structure; development of a public information strategy; and sustained support for economic initiatives.

Given the risk of civil unrest from the lack of improvement in the economy and living standards of the majority of the population, national and international stakeholders emphasized the need for the continued deployment of the residual UNAMSIL presence until the end of 2005. A joint transition plan, developed by UNAMSIL and the UN country team for the continued involvement of the international community in Sierra Leone was being implemented. The Secretary-General proposed a study of the logistical, political and legal implications of the cross-border commitment of UNMIL after the withdrawal of UNAMSIL.

The Secretary-General observed that, while the country had advanced towards meeting the benchmarks for stabilization and for the withdrawal of UNAMSIL, much remained to be done to address the underlying causes of conflict in the country so as to attain durable stability. In particular, the strengthening of the security sector required special, long-term attention. He therefore recommended that the Security Council extend the UNAMSIL mandate for a final period of six months, until the end of 2005, and that the drawdown of the Mission be completed by 31 December and its liquidation within six months thereafter.

SECURITY COUNCIL ACTION


The Security Council,
Recalling its previous resolutions and the statements by its President concerning the situation in Sierra Leone,
Afirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,
Emphasizing the importance of the continued support of the United Nations and the international community for the long-term security and development of Sierra Leone,
Having considered the report of the Secretary-General of 26 April 2005, and noting with approval his observations in paragraph 65 on the drawdown schedule of the United Nations Mission in Sierra Leone and in paragraphs 63 and 64 on the need for a strong United Nations system presence in Sierra Leone after the withdrawal of the Mission,
Commending the work of the Truth and Reconciliation Commission, and encouraging the Government of Sierra Leone to disseminate widely the Commission’s report and the Government’s response to it,
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 in this regard underlining the importance of ensuring that all those indicted by the Court appear before it, in order to strengthen the stability of Sierra Leone and the subregion and to bring an end to impunity, 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 for a final period of six months until 31 December 2005;
2. Requests the Secretary-General to finalize the necessary planning for an appropriate integrated United Nations system presence in Sierra Leone, as recommended in paragraphs 63 and 64 of his report, with the capacity and expertise to coordinate the activities of the United Nations agencies, funds and programmes, to cooperate with the donor community, and to continue to support the efforts of the Govern-
ment of Sierra Leone at peace consolidation and long-term development, after the Mission has withdrawn;
3. Encourages the Mission and the United Nations country team in Sierra Leone to continue their close collaboration to ensure a seamless transition from peacekeeping to peacebuilding, including through the implementation of their joint transition plan;
4. Recalls that the Sierra Leone security forces shall effectively assume full responsibility for security in the country after the withdrawal of the Mission;
5. Underlines the importance of providing effective security for the Special Court for Sierra Leone after the Mission has withdrawn, and requests the Secretary-General to make recommendations thereon to the Security Council as soon as possible;
6. Urges the Government of Sierra Leone to continue its efforts to develop an effective, affordable and sustainable police force, armed forces, penal system and independent judiciary, and further to promote good governance and strengthen mechanisms to tackle corruption, and encourages donors and the Mission, in accordance with its mandate, to assist the Government in this regard, as well as in restoring public services throughout the country;
7. Encourages the United Nations missions in the region to continue their efforts towards enhancing 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;
8. Welcomes the efforts undertaken by the Mission to implement the Secretary-General’s zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure that such acts are properly investigated and punished in cases involving their personnel;
9. 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;
10. Decides to remain actively seized of the matter.

UNOSIL

In his April report [S/2005/273], the Secretary-General noted that, although stability had been successfully restored in Sierra Leone, serious challenges to building durable peace in the country remained. Considerable capacity-building was needed to enhance the Government’s capability to discharge its functions related to political and economic governance and conflict prevention. Hence, after the termination of UNAMSIL, a strong UN presence was likely to be needed to assist in that regard. A number of options were being considered to ensure that the UN system was able to develop and implement in a fully coordinated and integrated manner, and in close consultation with national stakeholders, a viable peace consolidation strategy for Sierra Leone.

As requested by the Security Council in resolution 1610(2005) above, the Secretary-General’s recommendations for the continued UN presence in Sierra Leone were submitted in a July addendum to his report [S/2005/273/Add.2], following extensive consultations among the UN Departments of Peacekeeping Operations, Political Affairs, Humanitarian Affairs, the Office for the Coordination of Humanitarian Affairs, UNDP, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNAMSIL, the UN country team, the Government of Sierra Leone and other national and international stakeholders.

Recommended was a modestly sized UN integrated office in Sierra Leone to be established for an initial period of 12 months, beginning on 1 January 2006. The office would further develop and consolidate the continuing initiatives of the UN country team. Its mandate would be to assist the Government, inter alia, to build the capacity of State institutions to address the root causes of the conflict and the main problems facing the country; develop a national action plan for human rights and establish a national human rights commission; enhance good governance and transparency and accountability; improve budgetary and expenditure processes; build the capacity of the National Electoral Commission (NEC) to conduct the national electoral process in 2007; strengthen the judiciary; develop political and economic empowerment initiatives for youth and initiatives for the rights and well-being of war-affected and vulnerable children and adolescents; build an independent and capable public radio capacity; liaise with the security sector and further strengthen the capacity of the police, and coordinate with the Special Court for Sierra Leone.

The office would be headed by the Executive Representative of the Secretary-General, who would also serve as the UNDP Resident Representative and the United Nations Resident and Humanitarian Coordinator, to ensure a cohesive and coordinated approach within the whole UN family in Sierra Leone. It would comprise a small office to support the Executive Representative and five sections on the key areas of its mandate: good governance and peace consolidation, human rights and rule of law, civilian police and military assistance, development, and public information. The sections would be staffed, respectively, by: eight peace and governance advis-
ers, five international human rights officers supported by national officers and UN volunteers, 20 civilian police and 10 military liaison officers, the UN country team, the Office of the Resident and Humanitarian Coordinator and one senior coordination adviser, and three international public information officers and a number of national officers.

In reiterating that a sustained commitment of the United Nations, working in close partnership with the Government, would be required after the withdrawal of UNAMSIL, the Secretary-General hoped the Council would give serious consideration to his recommendations.

Communication. By a 21 June letter [S/2005/419], the President of Sierra Leone commended the work of UNAMSIL in bringing about peace and stability in Sierra Leone and said that, after the withdrawal of the Mission, a follow-on UN presence in the country would be indispensable, especially in the period leading up to the national elections in 2007.

SECURITY COUNCIL ACTION


The Security Council,

Recalling its previous resolutions and the statements by its President concerning the situation in Sierra Leone,

Commending the valuable contribution that the United Nations Mission in Sierra Leone has made to the recovery of Sierra Leone from conflict and to the country’s peace, security and development,

Having considered the report of the Secretary-General of 26 April 2005, and the addendum thereto of 28 July 2005, and welcoming his recommendation that a United Nations integrated office be established in Sierra Leone after the withdrawal of the United Nations Mission in Sierra Leone at the end of 2005, in order to continue to assist the Government of Sierra Leone to consolidate peace by enhancing political and economic governance, building the national capacity for conflict prevention, and preparing for elections in 2007,

Taking note of the letter dated 21 June 2005 from the President of the Republic of Sierra Leone to the Secretary-General, which likewise emphasizes the need for a United Nations integrated office to support the above objectives,

Emphasizing the importance of a smooth transition between the United Nations Mission in Sierra Leone and the new United Nations integrated office, and of the effective and efficient operation of the office,

Emphasizing also the importance of the continued support of the United Nations and the international community for the long-term security and development of Sierra Leone, particularly in building the capacity of the Government of Sierra Leone,

Reiterating its appreciation for the essential work of the Special Court for Sierra Leone and its vital contribution to the establishment of the rule of law in Sierra Leone and the subregion, underlining its expectation that the Court will finish its work in accordance with its completion strategy, and, in this regard, encouraging all States to cooperate fully with the Court and to provide it with the necessary financial resources,

Welcoming the publication of the report of the Sierra Leone Truth and Reconciliation Commission, and encouraging the Government of Sierra Leone to take further steps to implement its recommendations,

1. Requests the Secretary-General to establish the United Nations Integrated Office in Sierra Leone, as recommended in the addendum to his report, for an initial period of twelve months, beginning on 1 January 2006, with the following key tasks:

   (a) To assist the Government of Sierra Leone in:

      (i) Building the capacity of State institutions to address further the root causes of the conflict, provide basic services and accelerate progress towards the Millennium Development Goals through poverty reduction and sustainable economic growth, including through the creation of an enabling framework for private investment and systematic efforts to address HIV/AIDS;

      (ii) Developing a national action plan for human rights and establishing the national human rights commission;

      (iii) Building the capacity of the National Electoral Commission to conduct a free, fair and credible electoral process in 2007;

      (iv) Enhancing good governance, transparency and accountability of public institutions, including through anti-corruption measures and improved fiscal management;

      (v) Strengthening the rule of law, including by developing the independence and capacity of the justice system and the capacity of the police and corrections system;

      (vi) Strengthening the Sierra Leonean security sector, in cooperation with the International Military Advisory and Training Team and other partners;

      (vii) Promoting a culture of peace, dialogue and participation in critical national issues through a strategic approach to public information and communication, including by building an independent and capable public radio capacity;

      (viii) Developing initiatives for the protection and well-being of youth, women and children;

   (b) To liaise with the Sierra Leonean security sector and other partners, to report on the security situation and to make recommendations concerning external and internal security threats;

   (c) To coordinate with United Nations missions and offices and regional organizations in West Africa in dealing with cross-border challenges such as the illicit movement of small arms, human trafficking and smuggling and illegal trade in natural resources;

   (d) To coordinate with the Special Court for Sierra Leone;

2. Emphasizes the primary responsibility of the Government of Sierra Leone for the consolidation of peace and security in the country, and urges continued
support from international donors for the efforts of the Government in this regard;
3. Underlines the importance of establishing a fully integrated office with effective coordination of strategy and programmes between the United Nations agencies, funds and programmes in Sierra Leone, between the United Nations and other international donors, and between the integrated office, the Economic Community of West African States and other United Nations missions in the region;
4. Welcomes the recommendation made by the Secretary-General in the addendum to his report that the integrated office should be headed by an Executive Representative of the Secretary-General and his intention that he or she should also serve as the Resident Representative of the United Nations Development Programme and United Nations Resident Coordinator;
5. Requests the Secretary-General to continue planning for security for the Special Court for Sierra Leone on the basis outlined in paragraphs 15 to 24 of the addendum to his report, and looks forward to further details on the proposed arrangements;
6. Also requests the Secretary-General to keep the Security Council regularly informed of progress in establishing the integrated office, and thereafter in the implementation of the present resolution;
7. Decides to remain actively seized of the matter.

Appointment. By an exchange of letters between the Secretary-General and the Security Council on 7 and 12 December, respectively [S/2005/779, S/2005/780], the Deputy Special Representative for Sierra Leone, Victor da Silva Angelo (Portugal), was appointed Executive Representative for UNIOSIL. He would continue to serve as the Resident Representative of UNDP and UN Resident Coordinator in Sierra Leone.

Financing. The Secretary-General, in his December report [A/60/585] on estimates in respect of special political missions, good offices and other political activities authorized by the General Assembly and/or the Security Council, submitted proposed requirements for UNIOSIL in the amount of $23,298,600 for the period 1 January to 31 December 2006 under section 3, Political affairs of the 2006-2007 programme budget.

The Assembly, in section VI of resolution 60/248 of 23 December (see p. 1495), approved, as recommended by ACABQ [A/60/7/Add. 24], for UNIOSIL a prorated amount out of the charge of $100 million for the 26 special political missions for the period 1 January to 30 April 2006.

Further UNAMSIL activities

Report of Secretary-General (September). In his September report on UNAMSIL [S/2005/596], the Secretary-General outlined the withdrawal plan for UNAMSIL and described the media campaign on the achievements and exit strategy of the Mission, as well as the plans for a seamless transition from peacekeeping to peacebuilding.

The Secretary-General described the security environment in Sierra Leone as generally calm and stable. The Government took further steps towards assuming full responsibility for the maintenance of security. The performance of the Office of National Security improved, particularly its coordination capacity. Progress was limited, however, in addressing the serious threats to the country’s stability: corruption, ineffective governance, widespread poverty, massive youth unemployment and consequent public discontent. Although the political situation in Liberia was stabilizing as preparations for the October elections were proceeding peacefully, and as its border with Sierra Leone continued to be jointly monitored by UNMIL and UNAMSIL, the fragile security situation in the subregion remained a potential threat.

Implementation of the benchmarks progressed further, as demonstrated by the enhanced capacity of the security forces, increased public confidence in the police and the successful recruitment, training and deployment of some 3,000 police officers, bringing the police force strength to 9,000 against the benchmark of 9,500. The armed forces continued to be constrained by a lack of communications equipment and shortages of accommodation, rations, fuel, ammunition, medical supplies, water and uniforms.

Further advances were made in the consolidation of State authority. The Government continued devolving major State administrative services in education, health and agriculture to the local councils. Relations between the local councils and the chieftaincy system were evolving satisfactorily. The Government and local councils, in collaboration with UNAMSIL and civic organizations, began a new mediation initiative at the provincial and district levels for dispute settlement among chieftaincies. With UNAMSIL support, the Government was proceeding with the launch in October of the diamond-mining cadastral system in the district of Kono, which would be expanded to other diamond-mining areas. Although diamond exports rose to $82 million in the first half of 2005, close monitoring of the mines and diamond extraction needed to be maintained in view of UNAMSIL surveys showing that more than 50 per cent of diamond mining remained unlicensed, and reports that illegal diamond smuggling was considerable. On electoral reform, the restructuring and capacity-building of the National Electoral Commission continued with the appointment of a chairperson in May and a commitment by the Government of $8 million for staff recruitment and to facilitate further restructuring. International partners set up a bas-
his final report on UNAMSIL [S/2005/777], the published and, on 8 August, UNAMSIL began of the Truth and Reconciliation Commission was general and the Minister of Justice. The final report the public and to involve the participation of civic cate the Government’s vision and programmes to low; whence the need for a strategy to communi- siveness to the population’s needs was generally perception of government respon- expectation of peace dividends was high at the peacebuilding phase were challenging. Public the country as it advanced into the post-conflict Secretary-General observed that the tasks before them.

The Secretary-General observed that the Government had made commendable efforts towards consolidating constitutional order and State authority throughout Sierra Leone. However, it had yet to address many of the root causes of the conflict in the country, such as poverty, youth unemployment, illiteracy and lack of basic infrastructure. He also noted the commendable progress in the diamond-mining sector, adding that the Government should be encouraged to continue to build on initiatives aimed at generating additional revenue from that vital sector. He said further efforts, including by the international community, were required to help resolve the potential source of conflict posed by the Yenga border dispute, and instructed his Special Representative to intensify mediation efforts to reach a solution before the termination of UNAMSIL.

**Report of Secretary-General (December).** In his final report on UNAMSIL [S/2005/777], the Secretary-General observed that the tasks before the country as it advanced into the post-conflict peacebuilding phase were challenging. Public expectation of peace dividends was high at the same time that perception of government respon- siveness to the population’s needs was generally low; whence the need for a strategy to communi- cate the Government’s vision and programmes to the public and to involve the participation of civic organizations and the private sector in enhancing democratic governance. Although the political situation was calm and stable, signs of tension were surfacing as political parties began preparing for the 2007 national elections. The two main parties, the ruling Sierra Leone People’s Party (SLPP) and the All People’s Congress (APC) selected Vice-President Solomon Berewa and APC leader Ernest Bai Koroma, respectively, as their presidential candidates. In the process, both parties experienced intra-party divisions that re- sulted in splinter groups. A faction of APC challenged the party’s elected leadership in the courts, while Charles Margai, a prominent SLPP member, formed his own political party, the People’s Movement for Democratic Change (PMDC), having failed to be selected as the SLPP presidential nominee. UNAMSIL promoted inter-party dia- logue, reconciliation and tolerance among the political parties and bi-partisan approaches to national issues in the legislature. Other political developments included the appointment of a new Chairman of the Anti-Corruption Commis- sion, which had investigated corruption charges against six cabinet ministers; and the formaliza- tion of the Political Parties Registration Commis- sion with the approval of its composition by Par- liament on 1 December.

Short-term indicators of internal security were positive, with little probability of a return to civil conflict, and criminal activities were expected to remain at manageable levels. The increased capacity of the security sector to restore law and order was exemplified by its efficient handling of three serious security incidents without UNAMSIL assistance: the violent riots resulting from the 7 November murder in Kenema of two motorcycle transportation operators and the death on 18 November in Koidu of a third operator in a traffic accident; and the disruption on 19 Novem- ber by the supporters of Charles Margai of a com- memorative ceremony at a college in Bo, where Vice-President Berewa was the guest of honour. No major external threats to the country’s security occurred during the reporting period. Efforts to resolve the Yenga border dispute were in progress; Guinea and Sierra Leone conducted an on-site inspection of the disputed area and held consultations at Koidu.

In anticipation of the start of UNIOSIL opera- tions on 1 January 2006, a UN interdepartmental team led by UNDP, and in collaboration with the Government and relevant partners, developed a draft peace consolidation strategy that would provide the framework for the implementation of the UNIOSIL mandate. Building upon the work accomplished under the joint UNAMSIL/UN country team transition plan for 2005, the strat-
ogy would focus on peace consolidation, as well as on complementing the Government’s poverty reduction strategy and the revised UN development assistance framework. The third review of the transition plan, conducted in October, pointed to the successful completion of the initiatives taken by the UN system towards laying the foundation for post-conflict peacebuilding in Sierra Leone.

Towards the completion of its withdrawal by the end of December, UNMIL assumed command of the military unit protecting the Special Court for Sierra Leone on 1 December; it would be relieved on 15 January 2006 by a military guard force from Mongolia. UNMIL would also earmark a rapid reaction force to be deployed from the Liberian capital of Monrovia to Freetown.

Ongoing restructuring of Sierra Leone’s armed forces slowed considerably due to a shortage of resources. The army training and restructuring programme required additional resources to enable it to be completed on schedule. The Sierra Leone police were deployed throughout the country in 74 police stations and 112 police posts. Police strength reached the benchmark figure of 9,500, some 4,000 of whom had received training from UNAMSIL.

The increasing trend towards respect for human rights and fundamental freedoms continued, especially for civil and political rights. Efforts were in progress to repeal or amend the provisions of the Public Order Act to eliminate undue limits on freedom of expression. The Government authorized the Ministry of Justice to proceed with the establishment of a national human rights commission. UNAMSIL collaborated with the Ministry on the selection and appointment of commissioners, while OHCHR contracted for the advisory services of a consultant. UNAMSIL, which produced an abridged version of the Truth and Reconciliation Commission’s final report, continued its dissemination and conducted workshops on its findings and recommendations. To date, the Government had not prepared an action plan for implementing the recommendations. A stakeholders conference was held (6-8 December, Freetown) to review the human rights situation in Sierra Leone, assess tasks to be undertaken in the post-UNAMSIL phase and develop a work plan for the human rights component of UNIOSIL.

The Secretary-General observed that the completion of the peacekeeping phase of UN involvement in Sierra Leone and the departure of UNAMSIL at the end of December marked a turning point for the country. During its six years of operation, UNAMSIL had forged an effective partnership with the UN country team, the countries in the subregion, the donor community, humanitarian organizations, the Government and civil society in order to steer Sierra Leone on the path to post-conflict recovery. The formidable challenges posed by the socio-economic situation notwithstanding, the prospects for Sierra Leone were promising. The Secretary-General was encouraged by recent pledges of support by donors at the Fourth Consultative Group Meeting (London, 29-30 November) held by the World Bank and by the enthusiasm of political parties in preparing for the 2007 elections.

The Secretary-General highlighted the fact that UNAMSIL had broken new ground as the first peacekeeping mission to absorb a parallel subregional peacekeeping force and to enter into a backstopping arrangement with a Member State, namely, the United Kingdom, which had simultaneously launched a security sector reform programme to complement the Mission’s efforts. He also highlighted the integrated mission concept, introduced for the first time in UNAMSIL, whose Deputy Special Representative held three integrative offices (see p. 283); the innovative approach of the Security Council to the UNAMSIL exit strategy, based on a carefully calibrated drawdown of its military component in step with the fulfilment of specified benchmarks; the establishment of UNIOSIL with its integrated nature and comprehensive peacebuilding mandate; and the regional approach to peacekeeping operations through inter-mission cooperation between UNAMSIL and other UN presences in the subregion.

The Secretary-General noted that the presence of both UNAMSIL and UNMIL had enabled the countries of the Mano River basin to begin rebuilding peaceful and mutually beneficial relationships. He hoped that Sierra Leone, Côte d’Ivoire, Guinea and Liberia would construct new mechanisms for security cooperation among them and that key stabilizing factors would prevail to ensure peace and stability in the West Africa subregion.

**Security Council consideration.** The Security Council, at its 20 December meeting [meeting 5334] to consider the Secretary-General’s foregoing report, heard a briefing by the Special Representative for Sierra Leone and Head of UNAMSIL, who commended the country’s gradual rise from a decade-long conflict and remarkable turnaround towards a future of hope and promise for a better life for its population. That UNAMSIL had completed most of the tasks assigned to it was a source of pride. One of the most satisfying achievements had been the realization of the benchmark to strengthen the Sierra Leone police to its pre-war level of 9,500 personnel under the...
supervision of the UN police. The Special Representative drew attention not only to the dramatic increase in revenue collection, citing that by November diamond exports had already amounted to some $131 million, but also to specific aspects of control over the diamond industry that were imperative. He pointed out, however, some of the problems that could destabilize the country in the post-UNAMSIL phase: funding gaps for meeting running costs of the security sector and support services, the possible intensification of inter- and intra-party rivalry as the 2007 elections approached, the backlog in court trials, unemployment and poverty.

The Special Representative remarked that, at the request of the Peacekeeping Best Practices Section of DPKO, a public opinion survey directed by Jean Krasno of the City College of New York and Yale University revealed that a large number of Sierra Leoneans had a positive perception of the work done by UNAMSIL since its inception. He was convinced that the Mission had provided a model for future peacekeeping missions. He thanked all concerned for their collaborative effort without which UNAMSIL could have faltered or failed.

SECURITY COUNCIL ACTION

On 20 December [meeting 5334], following consultations among Security Council members, the President made statement S/PRST/2005/63 on behalf of the Council:

The Security Council commends the United Nations Mission in Sierra Leone for its invaluable contribution over the last six years to Sierra Leone's recovery from conflict and its progress towards peace, democracy and prosperity. The Council is grateful to the Secretary-General, his Special Representatives and all the individuals from the United Nations and from troop- and police-contributing countries who have made the Mission a success, especially those who helped the Mission to recover from the crisis it faced in May 2000. The Council also deeply appreciates the cooperation extended by the Government and the people of Sierra Leone to the Mission and the members of the United Nations family operating in the country.

The Council notes with satisfaction the improvements in the Mission's methods of operation that may prove useful best practice in making other United Nations peacekeeping operations more effective and efficient, including an exit strategy based on specific benchmarks for drawdown; an integrated mission with a Deputy Special Representative managing governance, development and humanitarian elements; and substantial, regular cooperation and coordination with other United Nations peacekeeping operations and offices in the region.

At the request of the Council, the Secretary-General has established the new United Nations Integrated Office in Sierra Leone in order to provide continued support to the Government as it tackles the many challenges ahead, including good governance, sustainable economic development, job creation and delivery of public services. The Government will need the sustained help of donors and development partners, particularly in addressing difficult but essential issues such as security sector reform, fighting corruption, the reinforcement of governance mechanisms, including the judiciary, and equal rights for women and girls. The Council therefore encourages Sierra Leone's development partners to continue their support in all these areas, and notes with satisfaction the outcome of the recent meeting of the donors' Consultative Group on Sierra Leone, held in London on 29 and 30 November 2005.

With Sierra Leone now stable and at peace, the Council sees a great opportunity for the development of a mature and vibrant political culture. Achieving this will require tolerance, cooperation from all sides and a shared commitment to act responsibly and avoid inflammatory rhetoric. To that end, government and political leaders should reassert their commitment to the basic principles of democratic governance. This will pave the way for fair, transparent and peaceful elections in 2007.

The Council reiterates its appreciation for the work of the Special Court for Sierra Leone and its vital contribution to reconciliation and the rule of law in the country and the subregion, and encourages all States, particularly States in the subregion, to cooperate fully with the Court and to provide it with the necessary financial resources.

The Council continues to emphasize the importance of a regional approach to the countries of West Africa. The Council hopes that Sierra Leone's neighbours will intensify their cooperation, not least through the Mano River Union and the Economic Community of West African States, especially in the area of peace and security, and with the continued support of the United Nations and development partners.

Special Court for Sierra Leone

The Special Court for Sierra Leone, jointly established by the Government of Sierra Leone and the United Nations in 2002 [YUN 2002, p. 164] in accordance with Security Council resolution 1315(2000) [YUN 2000, p. 205], continued in 2005 to try those bearing the "greatest responsibility" for serious violations of international humanitarian and Sierra Leonean laws committed in the territory of Sierra Leone since 1996. The Secretary-General reported in April [S/2005/273] that former Chairman of the Armed Forces Revolutionary Council (AFRC) Johnny Paul Koroma, under a 17-count indictment, remained at large, and that efforts were continuing to apprehend former Liberian President Charles Taylor, indicted in 2003 [YUN 2003, p. 286] on 17 counts of crimes against humanity, violations of article 3 common to the Geneva Conventions and of Additional Protocol II and other serious violations of interna-
tional humanitarian law and currently in asylum in Nigeria. On 24 February, the European Parliament unanimously adopted a resolution calling on the EU member States to take immediate action to bring about the appearance of Charles Taylor before the Special Court.

Security Council consideration. On 24 May [meeting 5985], the President of the Special Court for Sierra Leone, Judge Emanuel Ayoola, briefed the Security Council on the progress of the Court in relation to its revised completion strategy (see below). He said that of 13 indictments issued, two were withdrawn due to the death of the accused, leaving 11 proper indictments active. Nine of the 11 accused were in the custody of the Court in Freetown and two remained at large (see above). The Prosecutor indicated the possibility of additional indictments that could be linked to existing indictees, but their number would be limited. As to the three joint trials under way, namely, of AFRC, the Civil Defence Forces (CDF) and the Revolutionary United Front (RUF), Judge Ayoola estimated that, at the trial stage, the trials of the first two would be completed by the end of 2005 or early 2006, and the third by the end of 2006, plus an estimated additional four to six months for the appeals stage.

The Judge stressed that several factors could adversely affect the progress of the trials and thus the completion strategy, such as the number of witnesses required or the sudden illness or unavailability of key individual participants, as well as funding, security and cooperation of States (principally Nigeria and Liberia) in transferring the two accused who were at large. He said the importance of the expeditious apprehension and trial of Messrs. Koroma and Taylor could not be overemphasized for the credibility of the Court and for its contribution to combating the culture of impunity, which was essential for the consolidation of peace and development of the rule of law in Sierra Leone. On the question of funding for the Court, he was aware that the Fifth Committee was considering a commitment authority for the Court, he was aware that the Fifth Committee was considering a commitment authority for the Court, and that UNMIL assume command, control and support of the unit. He said his recommendations were fully consistent with resolution 1638(2005).

Completion strategy

By identical letters of 26 May to the General Assembly and the Security Council [A/59/816-S/2005/550], the Secretary-General presented the revised completion strategy prepared by the Special Court and endorsed by the Court’s Management Committee on 18 May. The strategy specified that the Court’s mandate would be carried out in two phases: the completion phase of the trials, during which the Court would render final judgements against all accused in custody and transfer those convicted to appropriate prisons in or outside Sierra Leone to serve their sentences, and concurrently downsize its staff and transfer and liquidate its assets; and the post-completion phase, during which the Court, through a mechanism that would need to be created, would continue certain residual activities: supervising sentence enforcement, providing witness support and protection, and conducting contempt and review proceedings and proceedings against any accused who later surrendered or was apprehended.

In addition, the completion strategy paper updated Court activities, including the swearing in of three additional judges in January; introducing initiatives to improve trial management efficiency in the form of a second Trial Chamber that began functioning in March, and the creation of a Judicial Services Co-ordinating Committee, the estimated completion dates of the trials and the status of enforcement agreements. The paper also pointed to ongoing efforts to develop a fundraising strategy for the Court’s completion and post-completion phases from January 2006 onwards, the need to retain key personnel and ensure the security of the Court’s premises, and the concern of the Court that supporters of the detainees posed a security threat to it so that the continued presence of international troops to protect the Court and its staff until the end of trial proceedings was critical to the completion strategy.

Security arrangements

In keeping with Security Council resolution 1610(2005) (see p. 280), the Secretary-General, on 28 July [S/2005/273/Add.2], following consultations among the Special Court, UNAMSIL and UNMIL on various options for providing reliable security for the Court after UNAMSIL’s withdrawal at the end of the year, indicated that while the overall security of the Court would continue to be provided by the Sierra Leonean Government, the only feasible and cost-effective option would be to transfer that responsibility from UNAMSIL to UNMIL. Therefore, subject to the consent of troop-contributing countries, the Secretary-General recommended that a company-size military unit from UNAMSIL be retained in Freetown upon its departure to continue to protect the Court, and that UNMIL assume command, control and support of the unit. He said his recommendations were fully consistent with resolution...
1609(2005) (see p. 236) authorizing, subject to certain conditions, the temporary redeployment of military and civilian police personnel among UNMIL, UNAMSIL and UNOCI to deal with challenges that could not be handled within the authorized personnel ceiling of a given mission in the region; approval of his recommendation would enhance inter-mission cooperation, as proposed in his report [S/2005/135] on such cooperation and possible cross-border operations among the three missions. The UN Secretariat, UNAMSIL and UNOCI had already consulted with potential troop-contributing countries, the Governments of Liberia and Sierra Leone, and the Special Court, and implementation proposals were being prepared.

**Financing**

**Report of Secretary General.** The Secretary-General indicated in an 18 April report [A/59/534/Add.4] that, for the period from 1 July 2004 to 30 June 2005, expenditures for the Special Court would total $26.6 million. He estimated that the commitment authority of $20 million authorized by General Assembly resolution 59/276 [YUN 2004, p. 1383] would be fully utilized and that an additional subvention of $13 million would be required for the period from 1 July to 31 December 2005. Accordingly, the Secretary-General requested the Assembly to appropriate $33 million as a subvention to the Court for the period from 1 January to 31 December 2005 under special political missions of section 3, Political affairs, of the 2004-2005 programme budget. A further subvention of $7 million would be required in 2006 to allow the Court to complete the existing trials, which the Secretary-General would request under the same section in the 2006-2007 programme budget during the sixtieth (2005) session of the General Assembly.

ACABQ [A/59/569/Add.4] encouraged the Court’s Management Committee to raise voluntary contributions and recommended that the Secretary-General, in concert with the Committee, intensify efforts to raise voluntary contributions to support the work of the Court.

By section 11 of resolution 59/294 of 22 June (see p. 1488), the Assembly authorized an additional $13 million subvention to supplement the finance resources of the Court for the period from 1 July to 31 December 2005, bringing the total subvention to $33 million for the period 1 January to 31 December 2005.

**Sanctions**


During 2005, the Committee did not meet, but its members were able to take all necessary decisions through the no-objection procedure. It noted that, as of the reporting date, the travel ban list included the names of 30 individuals designated as leading members of the former military junta, AFRC and RUF. Since the list was last revised in September 2004, no further information or recommendation had been received from Sierra Leone. In 2005, the Committee received a 2 August notification from Greece of its proposed export of a diesel electric generator to Sierra Leone by a South African power company; the Committee replied that since the equipment was not an embargoed item, it was not subject to the Committee’s consideration. On 22 August [S/2005/564], the United Kingdom notified the Committee of its plan to export blank ammunition and demolition stores to the Sierra Leone armed forces. On 3 November [S/2005/724], the United Kingdom further notified the Committee of the request for a trade licence to export armoured cars from Jordan to Sierra Leone for use by the Special Court for Sierra Leone.

The Chairman of the Committee was of the view that, following the completion of the drawdown of UNAMSIL from Sierra Leone, the time would be appropriate for the Security Council to revisit the legal basis of its measures concerning Sierra Leone.

**Security Council consideration.** At the meeting of the Security Council on 19 December [meeting 5332], the Security Council Committee Chairman, Ronaldo Mota Sardenberg, in his briefing of the Council, summarized the history of the sanctions imposed in Sierra Leone, beginning with Council resolution 1132(1997), based on the Council’s determination that the situation in the country constituted a threat to international peace and security. Taking into consideration the fact that UNAMSIL had since forged effective partnerships and placed Sierra Leone on a firm path to post-conflict recovery, and in the context of the Government’s further progress towards consolidating constitutional order and assuming full
responsibility for the maintenance of the country’s security, Mr. Sardenberg said that the Council might soon start to review the Sierra Leone sanctions regime with a view to updating its legal basis and streamlining the measures currently in place, as well as the Committee’s mandate. Consultations within the Committee and with the Government of Sierra Leone would contribute towards that end.

**Guinea-Bissau**


For most of the first half of 2005, the political situation in the country was dominated by preparations for the presidential elections held in two rounds: the first on 19 June and the second on 24 July, culminating in the election of João Bernardo “Nino” Vieira and his investiture on 1 October as the new President of Guinea-Bissau. The event marked the completion of the electoral process that began in March 2004, ending a transitional period that had been in progress since the coup d’état of 14 September 2003.

The conduct of the elections, observed by international observers and coordinated by UNOGBIS country-wide, was peaceful and deemed free, fair and transparent. The pre-election stage, however, was marred by tensions sparked by the question as to whether one of two candidates who were former Presidents was eligible to run under the terms of the Transition Charter. Tensions mounted in the immediate post-election period as the runner-up persisted in rejecting the voting results and twice appealed to the Supreme Court of Justice for their annulment. The Court ruled to confirm the results on the first appeal; it could not rule on the second owing to “insufficient judicial elements”. The investiture of the President was thus able to proceed.

Relations between the President and Prime Minister were difficult, notwithstanding their publicly stated willingness to work together. On 28 October, the President dismissed the Government, citing tensions among the organs of State sovereignty that rendered the Government dysfunctional. Shortly after, he appointed a new Prime Minister and, on 9 November, named a new Government. Those actions deepened the divisions generated during the elections, as reflected in a National Popular Assembly that became polarized into two camps: one supporting the Government appointed by the President and the other allied to the Government formed in May 2004 and dismissed by the President. The balance of power remained fluid, with neither side able to assure sustainable support in Parliament.

Throughout the electoral process, UNOGBIS used its good offices to promote dialogue among political, military and civil society actors. The Secretary-General noted that the aspects of its mandate relating to the full restoration of constitutional order, the holding of peaceful, free and fair presidential elections and the elaboration of a UN peacebuilding strategy for Guinea-Bissau had been successfully implemented. The engagement of key national stakeholders and international partners on the question of security sector reform within the broader framework of public administration reform was under way, and the basis of a national initiative to address the challenge posed by illicit small arms and light weapons had been established. In view of those developments, the Secretary-General, with the concurrence of the Security Council, adjusted the mandate of UNOGBIS and its resource base and staffing, in its new role of supporting the Government’s efforts to consolidate constitutional rule, promote national reconciliation and respect for the rule of law and human rights, and of working with the other UN agencies to mobilize international financial assistance to enable the Government to meet its immediate financial needs.

**UNOGBIS**

The United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS), a political mission established in 1999 by decision of the Secretary-General and supported by Security Council resolution 1233(1999) [YUN 1999, p. 140], was extended until 22 December 2005. Its mandate had been revised by resolution 1580(2004) [YUN 2004, p. 229] in the face of intensified political turmoil and uncertainty in 2004. The Support Office was headed by the Representative of the Secretary-General for Guinea-Bissau, João Bernardo Honwana (Mozambique).

In line with resolution 1580(2004), the Secretary-General reported, in March [S/2005/ 171], that a UN multidisciplinary mission visited Guinea-Bissau from 12 to 17 February to conduct a review of UNOGBIS with a view to adjusting the Mission’s capacities to meet the requirements of its mandate. Its broad objectives were to assess those aspects of the mandate that could foster political dialogue, ensure credible elections to take place in 2005, enhance respect for the rule of law and promote transitional justice, enhance the...
administration of justice, develop local conflict resolution mechanisms, promote security sector reform, initiate programmes to eradicate the proliferation of small arms and mobilize international support for the country.

In the light of work that remained to put the country’s peacebuilding process on a steady forward-looking track, and taking account of the findings of the review mission, the Secretary-General recommended that, within the framework of its revised mandate, as outlined in Council resolution 5800(2004), UNOGBIS should focus on the promotion of political dialogue, development of stable civil-military relations, promotion of the implementation of the Programme of Action adopted by the 2001 UN Conference on small arms (YUN 2001, p. 499) as an urgent priority, advancement of a comprehensive and integrated UN peacebuilding strategy, and adjustment of the use of available UNOGBIS human and financial resources to enable it to respond more effectively to the requirements of its revised mandate. In that regard, some existing posts might need to be adjusted and new posts created.

In view of the completion of the country’s transition phase that culminated in the presidential elections, the Secretary-General, in September [S/2005/375], proposed that UNOGBIS mandate be revised to include the following functions: to support efforts to consolidate constitutional rule, enhance political dialogue and promote national reconciliation and respect for the rule of law and human rights; to assist in strengthening the capacity of national institutions to maintain constitutional order; to encourage and support national efforts to reform the security sector; to encourage the Government to implement fully the Programme of Action on small arms; within the framework of a comprehensive peacebuilding strategy, to work closely with the Resident Coordinator and the UN country team to mobilize international financial assistance to enable the Government to meet its immediate financial and logistical needs; and to enhance cooperation and coordination with the AU, ECOWAS, the Community of Portuguese-speaking Countries (CPLP) and other international partners, and international mission cooperation. The emphasis of the revised mandate would be on initiatives meeting the requirements of self-sustainability and national ownership; the development of synergies and complementarities with UN agencies, particularly UNDP and the Bretton-Woods institutions (the World Bank Group and the International Monetary Fund), and with the AU, ECOWAS and CPLP; and political dialogue, governance, human rights, security sector reform and resource mobilization. The Secretary-General reiterated the resource base and personnel requirements as indicated in March (above).

On 2 December [S/2005/795], the Secretary-General advised the Council of a 21 November letter from the new President of Guinea-Bissau stating that, while UNOGBIS had achieved an important element in its mandate with the conclusion of the political transition in the country, it still had a decisive role to play in the consolidation of peace and stability and requested an extension of UNOGBIS mandate. The Secretary-General furthermore referred to his proposals (above) for the adjustment of the mandate and recommended that it be extended for one year, until 31 December 2006, which the Council noted on 15 December [S/2005/796]. The Council had issued a press statement on the previous day [SC/8581], stating that an agreement was reached for the mandate’s revision and renewal as recommended.

**Political and security developments and UNOGBIS activities**

**Report of Secretary-General (March).** In his March report [S/2005/174] on developments in Guinea-Bissau and UNOGBIS activities, the Secretary-General noted that the country had improved noticeably since his December 2004 report [YUN 2004, p. 228], despite tremendous challenges. The country was peaceful, although the political situation remained complex and difficult. The Government was preparing for the holding of presidential elections by 7 May, as envisaged in the 2003 Political Transition Charter [YUN 2003, p. 227], which was one of the key benchmarks for the full restoration of constitutional normality. However, the slow pace of the preparations and the transition processes, which were interrupted by the 6 October 2004 military mutiny [YUN 2004, p. 227], and the demands by most political parties for a completely new voter register resulted in the election date being postponed. Since some 20 political parties had challenged the accuracy of the 2004 voter register and demanded a new registration exercise, the National Election Commission and political parties agreed to revise the register and to issue new voting cards. Agreement on that critical measure led to a subsequent consensus that the elections would be held in June 2005. Meanwhile, the Government obtained Parliament’s approval of the 2005 State budget, re-engaged in dialogue with its development partners and continued efforts towards restoring the rule of law and improving fiscal management. Despite a continuing difficult financial situation, it managed to pay salaries up to December 2004, thereby removing the potential for social unrest.
The National Popular Assembly, at its new session (28 February–28 March), considered a proposed amnesty bill for all involved in various military interventions from 1980 to 6 October 2004 and proposed amendments to the Electoral Registration and the National Election Commission laws. During the session, on 1 March, the Representative of the Secretary-General in Guinea-Bissau briefed the Assembly on the political significance and practical implications of Security Council resolution 1580(2004), especially with regard to the need to uphold the principles of justice and to continue the fight against impunity.

As to military and security aspects, the Chief of General Staff held several sensitization meetings to promote reconciliation of the different military factions. He visited his counterparts in neighboring Guinea and Senegal in February to discuss bilateral security issues and modalities of cooperation among their armed forces. Both countries provided non-lethal military assistance to the Guinea-Bissau armed forces. UNOGBIS continued to encourage the military leadership to initiate reform, to which the Chief of General Staff had several times reiterated his commitment. Three committees were set up to examine the Defence Act and military regulations, retirement for members of the armed forces and their physical deployment. UNOGBIS and UNDP were finalizing preparations to establish a technical team to support the Government and the armed forces to plan and implement military reform. An initial contribution for security sector reform was raised at a donor mini-conference (Lisbon, Portugal, 11 February). The Secretary-General dispatched a fact-finding and project development mission (7-11 March) to examine the challenge posed by the proliferation of small arms and light weapons in Guinea-Bissau. The mission, in collaboration with UNOGBIS, the UN country team, the Government and relevant civil society bodies, established the operational and conceptual capacity-building needs for the national implementation of the 2001 Programme of Action on small arms.

The International Organization of Migration (IOM) continued to provide administrative and financial management support to the demobilization, reinsertion and reintegration programme, which was in its last phase. Of the 7,182 beneficiaries, 2,406 had been reintegrated and 2,031 were expected to do so by June. The programme requested an extension to December 2005 to allow it to complete all its reintegration activities.

Progress towards the elimination of mine-related risks continued under the supervision of the UNDP-supported national mine-action coor-
dination authority. By February, 2,545 antipersonnel mines, 64 anti-tank mines and 40,439 pieces of unexploded ordnance had been removed and 780,075 square metres cleared.

The economic situation improved slightly in 2004, the gross domestic product having increased to 4.3 per cent. Nonetheless, the Government remained unable to pay the backlog of civil service salary arrears from 2003, domestic debt, or salaries for January 2005. The 11 February donor mini-conference (above) was held to prepare for the Donor Round Table Conference to be held in the last quarter of 2005 and to mobilize resources to cover the gap of some $40 million in the 2005 State budget; funds were to be channelled through the UNDP-managed Emergency Economic Management Fund.

The Secretary-General observed that the country still faced tremendous challenges and was still floundering and unable to address effectively the basic needs of the populace, accomplish military reform or build a common vision among national stakeholders on how to foster peace, justice and reconciliation. The old sources of conflict persisted. The forthcoming presidential elections, scheduled for 19 June, would formally end the transition and mark the full restoration of constitutional order. If poorly prepared and managed, however, the elections could be an additional source of tension and further instability. The Secretary-General therefore urged national stakeholders to endeavour to create an environment conducive to peaceful, transparent, free and fair elections; a good beginning had been made by reaching consensus on the election date. UNOGBIS and the UN country team would continue to support the organization of the elections, concentrating on helping to lower tensions within and among political parties and promoting the adoption of a code of conduct by all parties during the electoral period. The Secretary-General said that the proposal to have Parliament grant a blanket amnesty to all involved in military actions raised concerns among large segments of the population, including civil society organizations.

The Secretary-General called on the international community to support Guinea-Bissau’s efforts to complete the political transition, manage conflict, reform its institutions and relaunch the economy. He welcomed the extension of the mandate of the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and trusted that it would continue to support the country to address its pressing short- and longer-term development goals.

(For action by the Economic and Social Council on the reports of its Ad Hoc Advisory Group...
on Guinea-Bissau with respect to the country's humanitarian and economic needs, see p. 1009.)

SECURITY COUNCIL ACTION

On 31 March [meeting 3/57], following consultations among Security Council members, the President made statement S/PRST/2005/14 on behalf of the Council:

The Security Council recognizes some progress made in some areas in Guinea-Bissau, including the electoral process, and urges all political actors in the country to show unequivocal commitment to a peaceful electoral process, leading to peaceful, transparent, free and fair elections, by refraining from inspiring or promoting any sort of ethnic or religious hostilities, particularly with a view to obtaining political gains. In this regard, the Council strongly condemns any attempts to incite violence and to impede ongoing efforts towards peace, stability and social and economic development.

The Council expresses its growing concern at recent political developments in Guinea-Bissau, in particular the decision by the Partido da Renovação Social to select ex-President Kounba Yalá as its presidential candidate. Any decision, such as this, which challenges the Political Transition Charter has the potential to jeopardize the successful conclusion of the transitional process and forthcoming presidential elections.

The Council also expresses its deep concern at the fact that peace efforts have not yet generated sufficient social and economic benefits for the population that could discourage the use of force.

The Council stresses, at the same time, the urgent need for international support to the electoral process. It recalls previous appeals for increased international assistance to Guinea-Bissau, including to the forthcoming presidential elections, as part of an urgently needed peacebuilding strategy in that country.

The Council calls upon Guinea-Bissau’s international development partners, including all concerned agencies of the United Nations system, to cooperate fully with the Government of Guinea-Bissau, which has been fully engaged in the implementation of the Political Transition Charter and in efforts to promote transparency and good governance. It welcomes, in this regard, the holding on 11 February 2005, in Lisbon, of the meeting of Guinea-Bissau’s partners to prepare for the round-table conference and stresses the importance of strong participation in the donor round-table conference scheduled for October 2005.

The Council welcomes initial measures taken by the Chief of General Staff regarding the process of reform of the Armed Forces and the promotion of reconciliation among the military. The Council further encourages full inclusiveness and renewed commitment to reconciliation in the Armed Forces, and development of constructive civilian-military relations based on the Armed Forces as an institution subordinate to the elected civilian authorities. In accordance with its mandate in resolution 1580 (2004), it reaffirms the role of the United Nations Peacebuilding Support Office in Guinea-Bissau in encouraging and supporting national efforts to reform the security sector.

Report of Secretary-General (June). In his June report [S/2005/380] on Guinea-Bissau and UNOGBIS, the Secretary-General noted that tensions over the election preparations (see p. 291) demonstrated the fragility of peace and stability in the country. A mid-April strike by teachers protesting the non-payment of salaries also demonstrated the continued high level of social dissatisfaction.

Reconciliation and reintegration of the different military factions continued, with the armed forces Commission on Reconciliation and Reintegration holding a series of awareness-raising meetings (28 February–6 April) to promote the idea and content of a comprehensive security sector reform package. A census taken by the military forces in May concluded that 5,100 military personnel were in active service; the Ministry of Public Administration also completed two censuses of the police, border guards and customs officials based in Bissau.

Arrangements were formalized to enable interested Member States to contribute to security sector reform through the UNDP Thematic Trust Fund for Crisis Prevention and Recovery. The fact-finding mission on illicit small arms that visited Guinea-Bissau in March (see p. 291) developed a project proposal for assistance towards the establishment of a national small arms commission to spearhead and coordinate national efforts to address the problem, and for the execution of a pilot small arms collection and destruction programme in the city of Bissau. While the level of criminality in Guinea-Bissau was relatively low, seizures of illicit weapons and cocaine suggested an increase in organized crime operators; the Police Commissioner expressed concern about the lack of resources to address the problem.

Regarding the proposed general amnesty (see p. 291), the National Popular Assembly referred the matter to the Parliamentary Commission on National Reconciliation and to the Committee for Legal and Constitutional Affairs. UNOGBIS partially funded a two-day seminar organized by civil society organizations to promote a better understanding of the legal aspects of the proposal.

The Secretary-General said he was encouraged by the renewed commitment of the national authorities to hold the elections on schedule and called on all candidates to do their utmost to ensure a peaceful election and to accept the results. He welcomed the process of reconciliation within
the armed forces and the increasingly republican attitude adopted by the military, as well as the re-affirmation by the military leadership of its sub-ordination to civilian authority. He encouraged the AU, ECOWAS, CPLP and other partners of Guinea-Bissau to continue their critical role in promoting peace and stability in the country. Re-iterating that Guinea-Bissau continued to face tremendous political, social and economic challenges, he noted that the UN country team and UNOGBIIS had concluded the review of the UN country programme for Guinea-Bissau, which combined peace, security and development agendas and defined the activities to be implemented.

Presidential elections

Presidential candidates. As reported by the Secretary-General [S/2005/380], legal controversies surrounding the eligibility of two former Presidents, João Bernardo “Nino” Vieira and Koumba Yalá, to run for the presidency created a highly polarized atmosphere during the preparations for the presidential elections scheduled for 19 June. Mr. Vieira, who returned to Guinea-Bissau on 7 April for the first time since his overthrow in a 1999 coup [YUN 1999, p. 142], was welcomed by supporters, including a section of the governing African Party for the Independence of Guinea and Cape Verde (PAIGC). Mr. Yalá, on the other hand, nominated on 26 March by the Party of Social Renewal, filed his candidacy with the Supreme Court of Justice, in spite of a provision in the Political Transition Charter banning his participation in political activities for five years.

Communications. The EU, in an 8 April statement [S/2005/249], expressed its growing concern at recent developments in the country, particularly Mr. Yalá’s decision to run in the 19 June presidential elections and his public declarations that could undermine the efforts and progress achieved thus far in Guinea-Bissau. It called on regional organizations, such as CPLP and ECOWAS, to remain actively engaged in support of the country’s efforts to achieve political stability.

A press statement was issued on 13 April on behalf of the Secretary-General [SG/SM/9818] stated his concern at the mounting political and social tensions as the country prepared for presidential elections. Accordingly, he directed his Representative in Guinea-Bissau to facilitate dialogue among all of the country’s political actors, on whom he called to refrain from any action or statement that could jeopardize the elections.

The AU Peace and Security Council, by a communiqué issued at its thirty-first meeting (Addis Ababa, Ethiopia, 8 June) [S/2005/381], urged all presidential candidates and their supporters to refrain from any act that might disrupt the electoral process and to commit themselves to accepting the election results; welcomed the decision of the Commission on the Situation in Guinea-Bissau to deploy an observer mission to monitor the elections; called for accelerating preparations for the Donor Round Table Conference in November; and agreed in principle to the proposed establishment of an AU liaison office that would support efforts to promote stability and socioeconomic development, and enhance democracy and respect for the rule of law and human rights in Guinea-Bissau.

Pre-election events. On 29 April, the Secretary-General appointed the former President of Mozambique, Joaquim Alberto Chissano, as his Special Envoy for Guinea-Bissau to facilitate the holding of peaceful and credible elections and to help bring the ongoing transition to a successful conclusion and thus to the restoration of constitutional order. During his visit to the country (2-10 May), Mr. Chissano met with actors involved in the electoral process and secured the publicly stated commitments of the armed forces and the Ministry of Defence to respect the Constitution and not to interfere in the electoral process. In a ruling announced on 18 May, the Supreme Court validated the applications of 17 of the 21 candidates, including former Presidents Vieira and Yalá. Although criticized by some, the ruling was accepted by the society at large. Tensions mounted again on 15 May, when Mr. Yalá announced that the Court’s decision to allow him to stand had created a constitutional power vacuum in the country; consequently, he decided to resume his presidential term and postpone the elections. The authorities reacted by reaffirming the Government’s commitment to hold elections as scheduled; the Military Committee Chairman publicly pledged his allegiance to Interim President Pereira Rosa; and, on 17 May, thousands of school children and students, led by their teachers, held a “march for peace”. Similar marches were also held in the interior of the country. Following the alleged 25 May attempt by Mr. Yalá to occupy a building of the presidential compound, which he denied, Government authorities and the National Election Commission issued statements reaffirming their commitment to hold elections as scheduled. An electoral needs assessment mission dispatched by the Secretary-General to the country (18-25 May) concluded that the necessary technical conditions were in place for the holding of the first round of elections. On 28 May, the official candidates began their electoral campaign in Bissau. By the end of May, donors had committed over 2.6 million eu-
ros to fund the elections through UNDP and directly to the Government. The EU also committed up to 1.5 million euros to cover costs of its Election Observation Mission already deployed in Guinea-Bissau.

Elections. The first round of the presidential elections took place on 19 June as scheduled. It was described as peaceful by the Secretary-General, who commended the people of Guinea-Bissau for turning out in large numbers [SG/SM/9912]. The second round, held on 24 July, was also described by the Secretary-General as peaceful, fair, and transparent. The provisional results were announced by the national election authorities on 28 July: the majority vote, 52.35 per cent, had gone to Nino Vieira, compared with 47.65 per cent for Mr. Malam Bacai Sanhá, which Mr. Sanhá and his party, PAIGC, rejected. The Secretary-General appealed for calm during the counting process prior to the announcement of the final results and stressed the need to employ legal means to address any electoral grievances [SG/SM/10018]. Tension persisted as Mr. Sanhá again rejected the final results announced on 10 August. Following mediation efforts by the AU, Mr. Sanhá filed an official appeal with the Supreme Court of Justice, indicating that he would accept the Court’s ruling. The international community, particularly ECOWAS, CPLP, the AU and the United Nations, had cooperated closely and coordinated their efforts to reduce electoral tension.

Communication. Earlier, the EU, by a 1 August statement [S/2005/34], expressed pleasure that the second round of the presidential elections was considered by international observers, particularly by the European Union Election Observation Mission (EU EOM), to have been peaceful and generally well organized in a transparent and inclusive manner, in line with principles for democratic elections, and that the voters were able to exercise their franchise freely, despite a tense pre-election period. Noting the provisional results published on 28 July, the EU called on all political parties and stakeholders to ensure completion of the remaining part of the election process in line with constitutional and other legal provisions.

SECURITY COUNCIL ACTION

On 19 August [meeting 5248], following consultations among Security Council members, the President made statement S/PRST/2005/39 on behalf of the Council:

The Security Council acknowledges with satisfaction the successful holding of the presidential elections in Guinea-Bissau and the announcement by the National Electoral Commission of the final results of the ballot. This marks an important step towards the restoration of constitutional order. The Council takes note of the appeal filed with the Supreme Court of Justice by one of the contenders and strongly encourages all parties to honour their commitments and accept the final ruling of the Court. The Council urges them to refrain from any actions that could jeopardize the efforts towards peace and stability in Guinea-Bissau.

The Council commends the people of Guinea-Bissau for their encouraging participation in the electoral process.

The Council pays tribute to Guinea-Bissau’s partners and neighbours, who provided indispensable support for the holding of the elections. The Council also congratulates international observers on the essential role they played throughout the country, and welcomes their statement recognizing the presidential elections as free, fair and transparent.

The Council expresses its appreciation for the contribution made by the African Union, the Community of Portuguese-speaking Countries, the Economic Community of West African States, the European Union, the Special Envoy of the Secretary-General, the Special Envoy of the Chairperson of the African Union, the Representative of the Secretary-General in Guinea-Bissau and the United Nations Peacebuilding Support Office in Guinea-Bissau, bilateral partners and international financial institutions. The Council underlines the importance of their timely diplomatic efforts aimed at promoting national dialogue and respect for the rule of law.

Considering the challenges still facing Guinea-Bissau, the Council urges all relevant national and international parties to reaffirm their commitment to peace and democracy in Guinea-Bissau, and calls upon bilateral development partners of Guinea-Bissau, international financial institutions and United Nations agencies to increase their support for economic and social development and the consolidation of national institutions, as well as the promotion of good governance and human rights, in particular by providing emergency financial assistance and technical support, in the short run, and by participating actively in the Donor Round Table Conference to be held in November 2005.

The Council therefore welcomes the decision taken by the Economic and Social Council on 26 July 2005 to extend the mandate of the Ad Hoc Advisory Group on Guinea-Bissau, and commends the Advisory Group for its work.

The Council invites the Secretary-General to present recommendations in his next report regarding the updating of the mandate of the Support Office and its role in the consolidation of peace and stability in Guinea-Bissau in the post-transition period.

Also on 19 August, the Supreme Court of Justice confirmed the final results of the second round of the presidential elections. On the same date, the EU EOM released a statement confirming that the elections had met international principles for democratic elections and that, in accordance with the electoral law of Guinea-Bissau, all legal resources had been exhausted.
Nevertheless, on 20 August, Mr. Sanhá and Prime Minister Carlos Gomes Júnior, the PAIGC president, persisted in rejecting the Court’s ruling. On 29 August, the Secretary-General took note of the Court’s ruling and called on all parties to accept it [SG/SM/10055]. On 26 August, the Supreme Court rejected Mr. Sanhá’s second request for annulment of the poll, declaring that due to “insufficient judicial elements” it could not rule on the request.

In New York, on 21 September, the Secretary-General met with the Prime Minister to impress upon him the need to abide by his commitment made before the General Assembly on 16 September that the President-elect would be inaugurated on 1 October 2005 [SG/SM/1017]. As confirmed to the Assembly, President-elect Vieira was sworn in on 1 October as the new President of Guinea-Bissau, marking the formal end of the transitional period, which the country had been undergoing since the coup d’état of 14 September 2003.

Post-electoral situation

Report of Secretary-General (September). In his September report [S/2005/575] on developments in Guinea-Bissau and UNOGBIS activities, the Secretary-General said that the political situation in the country remained fragile. Although the aftermath of the polling was marked by bitterness and sharp political divisions over the provisional election results, there were some positive aspects of the electoral process: the political neutrality of the armed forces, deemed crucial in guaranteeing a peaceful environment for the elections; the appeals by national civil society organizations to candidates and their supporters to practice civil tolerance; and the use by UNOGBIS of its good offices to promote dialogue among the political, military and civil society actors throughout the electoral process.

From March to August, UNOGBIS focused its activities on managing and resolving crises inherent in the political transition, and building working relationships with national stakeholders and international partners in preparation for the post-electoral period. It would also facilitate the development of self-sustainable national peacebuilding mechanisms and initiatives and resume its advocacy and good offices roles, as well as training and capacity-building activities, especially in conflict management and resolution.

A draft comprehensive peacebuilding strategy was prepared and discussed with national stakeholders, which aligned the short-term political objectives of consolidating peace and stability with the medium- to long-term objectives of promoting sustainable socio-economic development. Its objectives were: to promote self-sustaining dialogue; enhance governance, the rule of law and respect for human rights; foster harmonious relations between organs of sovereignty, assist in the creation of indigenous conflict prevention and national reconciliation mechanisms; support security sector reform and the implementation of the 2001 Programme of Action on small arms; and mobilize international support for quick-impact projects.

In his summary of developments so far, the Secretary-General noted that the aspects of the UNOGBIS mandate relating to the full restoration of constitutional order, the holding of peaceful, free and fair presidential elections and the elaboration of a UN peacebuilding strategy for Guinea-Bissau had been successfully implemented. The engagement of key national stakeholders and international partners on the question of security sector reform within the broader framework of public administration reform was under way, and the basis of a national initiative to address the challenge posed by illicit small arms and light weapons had been established and required resource mobilization.

Report of Secretary-General (December). In his December report on Guinea-Bissau and UNOGBIS [S/2005/722], the Secretary-General noted the strained political situation in the country. The persistent rejection of the election results by Mr. Sanhá and the stalling until 1 October of the inauguration of President Vieira raised internal tensions and worried the country’s external partners. Because of the deep divisions over the elections, the Guinea-Bissau political class remained highly polarized, resulting in a realignment of political forces in Parliament caused by splits within the governing party. The rift in PAIGC arose over support by a faction of the party for the electoral campaign of President Vieira and deepened further when the party leadership, headed by former Prime Minister Carlos Gomes Júnior, sought to maintain sanctions applied against 14 PAIGC parliamentarians who had backed the Vieira campaign, including the PAIGC vice-president, Aristides Gomes. In an attempt to create a new majority in Parliament, the 14 suspended PAIGC parliamentarians and other parties and individuals supporting President Vieira formed the Forum for the Convergence of Development. Shortly after President Vieira took office, he and Prime Minister Carlos Gomes Júnior publicly stated their willingness to...
work together but their relations continued to be difficult. Thus, following intensive consultations, the President issued a decree on 28 October dismissing the Government, citing continuing tensions among the organs of State sovereignty, which hampered the smooth functioning of State institutions and weakened the Government’s capacity to survive in Parliament. PAIGC denounced the decision as “arbitrary and unconstitutional”. On 2 November, the President issued another decree appointing Aristides Gomes as Prime Minister, drawing further adverse reaction from the PAIGC leadership, who contested the decision in the Supreme Court of Justice, insisting that the Prime Minister should come from PAIGC as the party majority in Parliament. On 9 November, the President named a new Government, which was expected to present its programme and the 2006 budget to the regular month-long parliamentary session.

UNOGBIIS continued to use its good offices, often in tandem with ECOWAS, to help calm tensions and to focus on helping to develop self-sustaining national peacebuilding mechanisms.

The Secretary-General, noting that political tensions along personality and party lines continued to cast a shadow on the prospects for stability in Guinea-Bissau, warned that the lingering political instability not only hampered further democratic progress, but could lead donors to withhold urgently needed assistance to meet the country’s reconstruction and development needs. He called upon all political actors and the society at large to respect the Supreme Court’s ruling, once rendered, over the constitutionality of the President’s government changes.

Further developments. In a later report [S/2006/592], the Secretary-General said that the stand-off between the Government and the opposition in Parliament had hampered progress in the normalization of relations among State institutions. The bitter divisions were mirrored in a National Popular Assembly polarized into two blocs: one, a dissident PAIGC faction supporting the Government appointed by the President on 2 November; the other, allied to the previous PAIGC Government dismissed by the President on 28 October. The balance of power remained fluid, with neither side able to assure sustainable support in Parliament. UNOGBIIS led joint efforts with CPLP and ECOWAS to get the two sides to negotiate their differences constructively. A process initiated to bring together senior presidential advisors, government representatives, parliamentar y parties and the Permanent Commission of the National Popular Assembly resulted in the participants’ commitment to constructive dialogue and reconciliation, yet the will to move to joint problem-solving was lacking.

UNOGBIIS continued its support of national efforts towards security sector reform. In December, it presented to the Government the report of the United Kingdom Security Sector Development Advisory Team that visited the country in October. Based on one of the recommendations in the report, the Prime Minister issued a decree creating an inter-ministerial committee on security sector reform.

Cameroon–Nigeria

In 2005, Cameroon and Nigeria continued to cooperate peacefully to advance progress in implementing the 2002 ruling of the International Court of Justice on the land and maritime boundary between them through the Cameroon–Nigeria Mixed Commission. The Secretary-General, through his good offices and with UN Secretariat support, continued to facilitate implementation. During the year, the withdrawal and transfer of authority along the land boundary were completed, as was a field assessment pilot project to establish the modus operandi of the complex survey of the land boundary. Demarcation of the land boundary began in early November southward from Lake Chad, spanning the distance from the mouth of the river Ebeji to Lawa/Wulba [UNOWA/CNMC/2005/09].

At their fourth meeting with the Secretary-General in May, the Heads of State of the two parties renewed their commitment to pursue to completion of the outstanding aspects of the implementation, including the Bakassi peninsula and the maritime boundary into the Gulf of Guinea.

Cameroon–Nigeria Mixed Commission

The Cameroon–Nigeria Mixed Commission, the mechanism established by the Secretary-General on 15 November 2002 [YUN2002, p. 1265] at the request of the Presidents of Nigeria and Cameroon to facilitate the peaceful implementation of the 10 October 2002 ruling of the International Court of Justice (ICJ) on the border dispute between them [ibid., p. 1265], remained under the chairmanship of the Special Representative of the Secretary-General for West Africa, Ahmedou Ould-Abdallah (Mauritania). The Commission was responsible for the demarcation of the land boundary between the two countries; the withdrawal of civil administration, military and police forces and transfer of authority in relevant areas along the boundary; the eventual demilitarization of the Bakassi peninsula; the protection of the rights of the affected populations; the development of projects to promote joint economic
ventures and cross-border cooperation; and the reactivation of the five-member Lake Chad Basin Commission (Cameroon, Central African Republic, Chad, Niger and Nigeria), created in 1964 for the regulation and planning of the uses of the Lake and other natural resources of the conventional basin.

The Mixed Commission established two sub-commissions: one responsible for the demarcation of the 1,600-kilometre land boundary between the two countries, with a joint technical team to carry out field assessments of the boundary and to supervise the demarcation work to be undertaken by outside contractors; the other to assess the situation of the affected populations and to consider ways to ensure the protection of their rights. Of the Commission’s three working groups, those on the withdrawal of civil administration and military and police forces and the transfer of authority in the Lake Chad area, and on withdrawals and transfers of authority in the land boundary, completed their work in December 2003 and July 2004, respectively. The third working group, on maritime boundary, remained in place. An observer team was responsible for following up on the withdrawals and transfers of authority in the Lake Chad area and the land boundary. A UN team based in Dakar, Senegal, provided technical and logistical assistance and substantive support to the Commission and its subsidiary bodies. The mandate of the United Nations Office for West Africa also called for support to the work of the Mixed Commission (see p. 224).

The activities of the Mixed Commission in 2005 focused on three core tasks: completing and consolidating the transfers of authority undertaken in 2004 through monitoring, assessment and support activities on behalf of the affected populations placed under new administration along the final land boundary; finding solutions to the outstanding maritime boundary issues; and carrying out the demarcation process to its conclusion [A/59/534/Add.1].

**Activities**

**Progress report.** On 1 August [S/2005/528], the Secretary-General informed the Security Council of the latest achievements and activities undertaken by the Mixed Commission to implement the 2002 IJC ruling. He reported that, since his progress report of 17 March 2004 [YUN 2004, p. 230], Cameroon and Nigeria had made encouraging and significant progress with support from the United Nations.

To consolidate the withdrawal and transfer of authority in the Lake Chad area and along the land boundary, the Commission deployed a team of civilian observers from Cameroon, Nigeria and the United Nations for a 12-month period from the withdrawal date. The team reported that the situation in the two areas remained calm and the issues raised by the affected populations were being addressed by the new authorities in the transferred areas. To foster confidence among the parties, the Commission identified projects aimed at promoting cross-border cooperation and joint economic activities. It sought financing for those projects from several multilateral financial and development organizations and obtained voluntary contributions to cover costs related to the work of two military advisers and a legal expert on the maritime boundary. In-kind contributions in the form of accommodations and transportation were provided by the two countries for the Commission’s meetings and field visits to the Lake Chad area, the land boundary and the Bakassi peninsula. Both countries made a number of reciprocal official visits and discussed cross-border cooperation.

The first phase of the demarcation activities was a pilot field assessment undertaken from March to May (on a 62-kilometre stretch) to verify the location of the physical boundary line as depicted on preliminary maps produced by the United Nations and to determine pillar sites. The exercise sought to establish the technical modalities of the survey of the 1,600-kilometre land boundary. The field assessment was to be followed by the emplacement of pillars, a final survey and a final mapping. A workplan on the maritime boundary agreed upon by the two parties in June 2004 included the delineation of the maritime boundary, as delimited by the 2002 IJC decision, and the production of a map on that basis. It was expected that the delimitation process would continue in the second half of 2005.

At the Secretary-General’s fourth meeting with the Presidents of Cameroon and Nigeria (Geneva, 10-11 May) to review the work of the Commission, the Presidents renewed their commitment to pursue the peaceful implementation of the IJC ruling and move the process forward to its completion. The withdrawal and transfer of authority in the Bakassi Peninsula, which had been planned for 15 September 2004, were delayed due to technical reasons raised by one of the parties. The demarcation of the land boundary, expected to last about 96 weeks, began on 8 November 2005 by a team of experts from Cameroon, Nigeria and the United Nations.

Of an estimated budget of $12 million for the demarcation of the land boundary, the Mixed Commission raised $8.15 million in voluntary contributions. In addition to the logistical support provided by the parties, Canada, Italy,
Norway, Sweden and Uruguay also provided substantive and technical support in the form of military and legal experts. The Secretary-General underscored that the Mixed Commission was funded entirely from extrabudgetary funds from its inception to 2003. During the 2004-2005 biennium, however, some $9 million was provided from the UN regular budget. Given the Commission’s remaining tasks, he intended to ask for additional funds from the regular budget for the Commission for 2006.

On 12 August [S/2005/209], the Security Council took note of the foregoing information from the Secretary-General and of his intention to continue the activities of the UN support team to the Cameroon-Nigeria Mixed Commission with funding from the UN regular budget. The Council urged the parties to the Mixed Commission to work with international donors to seek further voluntary contributions.

Earlier, on 13 July [S/2005/475], the EU expressed concern at reports of security incidents in the Bakassi peninsula. It urged Nigeria and Cameroon to work constructively to establish the facts, defuse tension and meet under the auspices of the Mixed Commission as soon as practicable.

**Financing**

The General Assembly, by section VII of resolution 50/275 [YUN 2004, p. 1385], approved requirements for the Cameroon-Nigeria Mixed Commission for the period 1 January to 31 December 2005 in the amount of $3,938,200. In December 2005, 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/60/585 & Corr.1], proposed resource requirements for the Commission of $7,339,000 for the period 1 January to 31 December 2006.

The Assembly, in section VI of resolution 60/248 of 23 December (see p. 1495), acting on ACABQ’s recommendation [A/60/Add.24], approved a prorated amount for the Commission out of the $100 million authorized for the 26 special political missions and decided to reconsider the issue at its resumed sixtieth (2006) session.

**Togo**

During 2005, the West African State of Togo underwent a political crisis that arose from the question of succession due to the death of its President on 5 February and the absence from the country of the President of the National Assembly, who, under the Constitution, would have assumed office as Acting President pending elections within 60 days. The appointment on 9 February of Faure Gnassingbé, the late President’s son, as Interim President, sparked widespread demonstrations and mounting pressure from the United Nations, the EU, the AU and ECOWAS for Togo to hold presidential elections consistent with the Constitution and the rule of law. Mr. Gnassingbé stepped down on 25 February and ran in the presidential elections, held on 24 April.

Although the elections proper were orderly, serious political violence and human rights violations followed the announcement of the election results on 26 April, declaring Mr. Gnassingbé the winner. A fact-finding mission dispatched by the United Nations High Commissioner for Human Rights to assess the situation published its report in September. The Government said it would consider the recommendations within the framework of the national reconciliation process and other efforts to strengthen democracy and the rule of law, which it was determined to pursue.

**Transfer of presidential power**

The Secretary-General, by a press statement issued on 5 February [SG/SM/9706] on the death of President Gnassingbé Eyadema of Togo, extended his condolences to the bereaved family, the Government and the people of Togo. Noting that the late President had played a central role in the governance of the country for almost 40 years and had contributed significantly to the peaceful settlement of disputes in Africa in general and in West Africa in particular, the Secretary-General trusted the Togolese authorities to take all necessary measures to preserve stability in the country and ensure a peaceful transfer of power. Two days later, [SG/SM/9711], he expressed concern that the transfer of power had not been done in full respect of the Constitution.

Togo explained, in a memorandum of 8 February [A/59/697], that uncertainty and insecurity gripped the country owing to the power vacuum created by the death of the President and by the absence from the country of the President of the National Assembly, Fambare Ouattara Natchaba, who in such an event would serve as Acting President pending elections. After consultations within the military and security forces and among the leaders of the ruling party, the Rassemblement du peuple togolais (RPT), on how to preserve national stability and safeguard civil order, the Parliament met in special session and unanimously relieved the absent Assembly President of his duties. Minister Faure Gnassingbé, son of the late President and a member of the National Assembly before being appointed Minister, was proposed by the military for the presidency. To that end, he resigned his ministerial position and resumed his Assembly seat; he was...
then elected President of the National Assembly and, as such, temporarily assumed the duties as President of Togo. Parliament also amended the constitutional requirement under article 63 that elections be held within 60 days, a period deemed insufficient given the political climate in the country.

In his address to the nation on 9 February [A/39/700], President Faure Gnassingbé enumerated the late President’s major achievements. He stated that he had been appointed to the presidential succession of Faure Gnassingbé to the presidency. He called on all sides to exercise maximum restraint while the search for an early and durable solution to the crisis continued. On 19 February [A/39/700], President Gnassingbé called on the Government to carry on dialogue with the opposition in a new spirit. He said that the 22 undertakings made by Togo in Brussels on 14 April 2004 would remain the country’s basic guidelines (see below).

**Resignation of appointed President**

On 12 February [SG/SM/9716], the Secretary-General expressed concern over the deteriorating security situation in Togo and the deaths and injuries caused by violence in the capital, Lomé, where demonstrators protested the unconstitutional succession of Faure Gnassingbé to the presidency. He called on all sides to exercise maximum restraint while the search for an early and peaceful solution to the crisis continued. On 19 February [SG/SM/9728], concerned that talks between ECOWAS and the Togolese authorities on the country’s constitutional crisis had not advanced, and noting that ECOWAS had suspended Togo from that regional body, the Secretary-General reiterated his call for urgent efforts to find a peaceful solution.

By a 23 February statement [S/2005/136], the EU expressed great alarm at developments in Togo. While it welcomed the positive signals given by the announcement of presidential elections within 60 days and restoration of the freedom to demonstrate, it condemned the violation of constitutional and legal provisions in the continued maintenance of Mr. Faure Gnassingbé as Interim President. The EU demanded an immediate return to constitutional and legal order to open the way for free and transparent presidential elections and supported the actions of the AU and ECOWAS to that regard.

The Secretary-General, on 25 February [SG/SM/9777], welcomed the announcement of presidential elections within 60 days and restoration of the freedom to demonstrate, it condemned the violation of constitutional and legal provisions in the continued maintenance of Mr. Faure Gnassingbé as Interim President. The EU demanded an immediate return to constitutional and legal order to open the way for free and transparent presidential elections and supported the actions of the AU and ECOWAS in that regard.

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the subsequent designation by the National Assembly of an Interim Head of State who would oversee the organization of the forthcoming elections in accordance with the Constitution. He noted that because of those positive developments, ECOWAS lifted the sanctions it had imposed on Togo.

The EU on 4 March [S/2005/147] stated its readiness to assist in facilitating free and transparent elections. It insisted that the Government honour the 22 undertakings it had made in the framework of the consultations held under article 96 of the 2000 Cotonou Declaration [YUN 2000, p. 544] on peace, security, democracy and development, particularly in the holding of a national dialogue to set up an electoral framework acceptable to all parties for the conduct of presidential and parliamentary elections.

**Pre-election events.** On 20 April [SG/SM/9831], following fatal clashes between supporters and opponents of RPT, the Secretary-General called on political leaders to avoid any actions or statements that could incite or contribute to violence before, during or after the 24 April presidential vote. In the light of the many concerns already raised about the electoral process, he urged the authorities to ensure that citizens were able to vote freely and peacefully. He reiterated the readiness of the United Nations to work with all segments of the society to promote national reconciliation and socio-economic development following a peaceful electoral process.

On 21 April [HR/4829], two UN human rights experts expressed concern over reports of violent clashes during demonstrations by sympathizers of the various political parties that resulted in casualties and in the arrest of a number of demonstrators, of the media being prevented from covering the electoral campaigns, and of irregularities in the context of the organization of the elections.

**Elections.** By a press statement issued on 24 April [SG/SM/9836], the day of the presidential elections, the Secretary-General commended the peaceful and orderly manner in which the Togolese turned out in large numbers to cast their votes in the elections, as well as the sense of political and civic responsibility demonstrated by the leaders and the population. He appealed for calm while the official results were being awaited and urged parties to refer any electoral disputes to the appropriate authorities as provided for in the Electoral Code. In a statement two days later [SG/SM/9841], he expressed grave concern over reports of violence in Lomé following the voting on 24 April and the announcement of the preliminary results on 26 April. He called on political leaders and their supporters to refrain from ac-
tions inciting further violence, hatred and divisions; he also called on the security forces to exercise similar restraint. He commended efforts by regional leaders and institutions, particularly ECOWAS, to promote peace, and welcomed the AU initiative to encourage dialogue and national reconciliation.

Post-electoral period. On 28 April, UNHCR announced the deployment of an emergency team to neighbouring Benin, where more than 3,000 refugees had fled due to insecurity in Togo following the announcement of the election results, and that an additional 450 Togolese had sought refuge in Ghana.

According to a 10 June press statement [HR/4855], the United Nations High Commissioner for Human Rights established a fact-finding mission to look into allegations of human rights violations in Togo between 5 February and 5 May. The mission was to assess human rights issues arising from the conduct of the presidential elections, verify reports of alleged violations and compile information on perpetrators. The mission was to arrive in Togo on 13 June for about two weeks of field work.

The Government of Togo issued a 27 September communiqué [A/60/392] by which it took note of the publication of the final report of the fact-finding mission, indicating that before and during the presidential elections on 24 April, and despite the climate of tension and conflict, only a few acts of violence and minor incidents, such as the clashes of 15 April between coalition and RPT militants, had occurred before the death of the late President on 5 February and 24 April.

Togo drew attention to the report’s conclusions regarding the post-electoral period, from 28 to 29 April, according to which militants belonging to the opposition were responsible for a number of actions which led to reactions from the security forces and RPT militants. The announcement on 26 April by the Independent National Electoral Commission of the provisional election results indicating that the RPT candidate, Fauré Gnassingbé, had won, unleashed an outbreak of the most serious acts of political violence and systematic violations of human rights. Clashes again broke out from 27 to 29 April in Lomé and in the interior, resulting in many deaths and injuries. Togo disputed as unsubstantiated the statements of witnesses putting the number of deaths at between 400 and 500, adding that the report made no distinction between deaths caused by one side or the other in order to establish responsibility.

With respect to the report’s recommendation enjoining the Togolese, particularly the political leadership, to heed the republican values of mutual respect and respect for public and private property, and of the urgent need to combat impunity, Togo noted that the mandate of the Special National Inquiry Commission included the assessment of the damages incurred by the State and those by all other victims, with a view to taking adequate measures. The Government was determined to pursue the institutional reforms already under way, particularly those related to justice, the restoration of public confidence in the institutions of the country and the creation of conditions favourable to an all-inclusive political dialogue.

The EU, taking note of the fact-finding mission report on 25 October [S/2005/711], reiterated its condemnation of acts of violence and called on the Togolese authorities to deal thoroughly and fairly with the issue of human rights by prosecuting those responsible for such violence so as to end any sense of impunity. It further renewed its call for genuine dialogue involving all political forces in the country.

Horn of Africa

The political landscape in the Horn of Africa, which continued to be characterized by complex interlocking conflicts and rebellions, underwent a number of changes in 2005.

In the Sudan, the largest country in the region, the 21-year civil war officially ended in January with the signing by the Government and the Sudan Peoples’ Liberation Movement/Army of the Comprehensive Peace Agreement between them, setting forth a new relationship between the north and the south based on power- and wealth-sharing arrangements. Under those terms, the Government of National Unity was established in September and the Government of southern Sudan in December; the restructured political system provided for a referendum in 2011 in which the south would decide whether to secede from the rest of the country. In March, the Security Council established the United Nations Mission in the Sudan (UNMIS) to help the parties implement the Peace Agreement. In addition, UNMIS helped to support the African Union Mission in the Sudan in its efforts to monitor the ceasefire in the Darfur region and to broker a deal to end the fighting between the rebel groups there. The hope that the new political arrangements might lead to a solution to the crisis in Darfur was not realized.

In Somalia, the fledgling Transitional Federal Government, established in 2004, based first in Nairobi, Kenya, and by mid-year in Somalia, was
In 2005, the situation in the Sudan was marked by hope and disappointment. While efforts to resolve the conflict between the north and the south were successfully concluded, ending a 21-year civil war, the security situation in the Darfur region of the western part of the country deteriorated significantly, and the political process for finding a solution to that conflict remained mired in a stalemate.

In January, the Comprehensive Peace Agreement signed by the Government and the Sudan People’s Liberation Movement/Army (SPLM/A) laid the basis for a new relationship between the north and the south based on arrangements for power-sharing and wealth-sharing, the establishment of a Government of National Unity and the government of southern Sudan, as well as the adoption of a new constitution. The restructured political system, based on democracy and respect for human rights, provided for a final decision on secession to be made by the south at the end of six years. The Security Council established the United Nations Mission in the Sudan (UNMIS) to help the parties implement the Peace Agreement, with the assistance of the international community. However, the optimism generated by that historic event was overshadowed by the death of John Garang, the SPLM/A Chairman and First Vice-President in the National Unity Government in a helicopter crash. Contrary to expectations, Mr. Garang’s death did not derail implementation of the Peace Agreement and his successor, Salva Kiir, promised to adhere to all the agreements reached.

The signing of the Comprehensive Peace Agreement and the establishment of the Government of National Unity raised hopes for finding a solution to the crisis in the Darfur region, where two local rebel groups, the Justice and Equality Movement (JEM) and the Sudanese Liberation Movement/Army (SLM/A), were still fighting Government forces and allied militia groups.

The African Union Mission in the Sudan (AMIS), supported by the United Nations, particularly UNMIS, the European Union (EU), the United States, the North Atlantic Treaty Organization and other donors, increased its military deployment to more than 6,300 troops. In addition to monitoring the fragile ceasefire in Darfur, the AU stepped up its mediation efforts to broker a deal to end the fighting between the rebel groups. However, despite several rounds of talks in Abuja, Nigeria, a solution remained elusive as divisions within the rebel movement widened and the parties remained uncompromising in their positions on the issues of power-sharing, wealth-sharing and security.

**Comprehensive Peace Agreement**

**Report of Secretary-General.** In his 7 January report on the Sudan [S/2005/10], the Secretary-General welcomed the initialling on 31 December...
President Ali Osman Mohamed Taha, and the Government of the Sudan, represented by Vice-President Ali Osman Mohamed Taha, and Sudan People’s Liberation Movement/Army (SPLM/A) of the last two agreements of the north-south peace process: the Comprehensive Peace Agreement would improve capacity to solve the problems in the Darfur region (see p. 315).

The Secretary-General expected that the signing of the Comprehensive Peace Agreement would have to be found for other marginalized groups that did not participate in the peace talks would have to be incorporated into the new structures; and people’s expectations concerning welfare, growth, education and other social and economic needs would have to be met.

**Terms of Comprehensive Peace Agreement.**
The Comprehensive Peace Agreement was signed on 9 January in Nairobi, Kenya, by the Government of the Sudan, represented by Vice-President Ali Osman Mohamed Taha, and SPLM/A, represented by Chairman John Garang de Mabior. It was witnessed by several African and international representatives, including the Presidents of Kenya and Uganda, the United States Secretary of State and the United Kingdom Secretary of State for International Development, the AU Chairperson and the EU representative. The Agreement, transmitted to the Council President by the Sudan on 8 February [S/2005/57], consisted of four protocols, two framework agreements and two annexes regarding implementation modalities: the Machakos Protocol, signed on 29 July 2002 [YUN 2002, p. 256]; the Protocol on Power Sharing, signed on 26 May 2004 [YUN 2004, p. 256]; the Agreement on Wealth Sharing during the Pre-Interim and Interim Period, dated 7 January 2004; Principles of Agreement for the resolution of the Abyei conflict, signed on 26 May 2004 [ibid.]; the Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States, signed on 26 May 2004 [ibid.]; and the Framework Agreement on Security Arrangements during the Interim Period, dated 25 September 2003 [YUN 2005, p. 257]. Annexed to the Agreement were the Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices [YUN 2004, p. 256]; and Implementation Modalities and Global Implementation Matrix and Appendices, both signed on 31 December 2004 [ibid.]. In the chapeau to the Comprehensive Peace Agreement, the parties agreed to the beginning of the Interim Period and appealed to the regional and international communities, organizations and States that had witnessed the signing of the Agreement to provide and affirm their unwavering support for its implementation and make available resources for its programmes and activities in the transition to peace.

**Security Council consideration.** In briefing the Security Council on 11 January [meeting 509], the Secretary-General’s Special Representative for the Sudan, Jan Pronk, said that the signing of the Comprehensive Peace Agreement heralded the definitive end to nearly four decades of conflict, the uprooting and displacement of 4 million people and half a million refugees in neighbouring countries. However, it was not the end. Former combatants would have to be disarmed and demobilized; displaced people and refugees would need to return and participate in the economy and society, claiming a share of the resources, including land; other southern militant groups that did not participate in the peace talks would have to be incorporated into the new structures; and people’s expectations concerning welfare, growth, education and other social and economic needs would have to be met.

**Implementation of Comprehensive Peace Agreement**

**Report of Secretary-General (January).** On 31 January, the Secretary-General, in his report on the Sudan [S/2005/57], said that harmonizing all aspects of the Comprehensive Peace Agreement would be a complex task. Some grey areas and potentially difficult issues remained, with the parties having differing interpretations of the texts that could prove controversial at a later stage. Some complicated issues had been left for the Presidency to decide and some decisions deferred to a later date. The creation of the Assessment and Evaluation Commission, the body to monitor the Agreement’s implementation, as provided for in the Machakos Protocol, had been delayed until the adoption of the Interim National Constitution and the establishment of the Presidency. In addition, the government of southern Sudan faced the challenge of raising funds to pay its army and to achieve proportional downsizing. At the same time, political solutions would have to be found for other marginalized and unstable regions, such as Darfur. The inte-
igration of other armed groups in both the north and south was another challenge, to be carried out in good faith with international support. SPLM/A would have to engage with southern constituencies forming the south-south dialogue to jointly discuss the creation of southern institutions and public policies and to forge a shared vision for southern Sudan in line with the Comprehensive Peace Agreement. At the same time, the South Sudan Defence Force (a coalition of southern factions) would need assurances that the south-south dialogue would be carried out in good faith and result in a fair share of political and socio-economic power. In the north, traditional power structures would have to shift to accommodate the new alignment.

The Secretary-General welcomed the parties’ engagement with a broad spectrum of the opposition to begin developing a consensus on peace implementation. He supported the convening of an all-inclusive national conference to discuss future governance in the Sudan, to be articulated in the national constitution and federal arrangements.

To assist in the implementation of the Comprehensive Peace Agreement, the Secretary-General recommended the establishment of the United Nations Advance Mission in Sudan (UNAMIS), whose main tasks would be to support implementation of the Comprehensive Peace Agreement; ensure security and freedom of movement for UN personnel and protect civilians; and provide governance assistance, as well as humanitarian and development assistance. UNAMIS mandate would be for seven years, including the pre-interim and interim periods, followed by a phase-out period. The Mission, to be headed by the Secretary-General’s Special Representative, would have authority over all UN entities in the field, providing overall management and policy guidance, and coordinating all UN activities throughout the country. The Special Representative would be assisted by two deputies, one of whom would work with the Special Representative in matters relating to good offices and political support for the peace process and governance, and the other would act as the Resident Coordinator and Humanitarian Coordinator. The Force Commander would be responsible for the deployment and operation of UN military personnel. The Mission’s area of operation would include six sectors (the Equatorial area, the Bahr el Ghazal area, the Upper Nile area, the Nuba Mountains area, Southern Blue Nile and the Abyei area). The mission’s headquarters would be based in Khartoum, with a special office in Rumbek, the southern capital or wherever the southern government might choose to relocate. The Mission would include the following political components: public information, military, civilian police, rule of law, human rights, civil affairs, and electoral assistance. The military component would have a troop strength of 10,130, comprising 750 military observers, 160 staff officers, up to 5,070 enabling units, a force protection component of 4,150 and 755 civilian police.

The Secretary-General also emphasized that substantial resources were required for relief and recovery, including the return, repatriation and resettlement of internally displaced persons and refugees, as well as for the development activities envisaged by the joint assessment mission. Member States were urged to fund fully the work plan for 2005 and to make their contributions early, so as to allow for substantial recovery programming that could quickly demonstrate to the Sudanese people the dividends of peace. He recommended that the Security Council authorize the deployment of a multinational peace support operation with the mandate as he had proposed.

**Security Council consideration (4 February).** During the Security Council’s consideration of the Secretary-General’s report [S/2005/57], on 4 February [meeting 5119], the Special Representative for the Sudan affirmed that measures were being prepared to support the parties in their implementation of the Peace Agreement through the United Nations Advance Mission in Sudan (UNAMIS), established in 2004 [YUN 2004, p. 247]. Plans for the establishment of an institutional framework for the United Nations in south Sudan were already under way and consultations and briefings were held with both the Government and SPLM on those issues. The logistical and operational plan was developed to deploy just over 10,000 troops for monitoring and verification.

The Special Representative noted that, despite the signing of the Agreement, some areas still remained to be agreed upon (see p. 302). That process would be completed by the new presidency of the Sudan, which was to be composed of President Al-Bashir and Vice-Presidents Taha and Garang. He warned that if solutions were not found to the conflicts in Darfur and elsewhere in the Sudan, any peace support operation limited to south Sudan would be affected by the consequences of such conflicts. Therefore, for peace to be sustainable, the Government and the people of the Sudan would have to choose a comprehensive approach to address all the causes of conflict in a holistic and balanced way. The peace support operation would also have to be comprehensive and balanced. Tasks and priorities would be reg-
At its February 8 meeting [meeting 5 120], the Council planning for Darfur into the mission. Secretary-General had incorporated contin - the proposed mission cooperate with the AU and peace support operation. The Council supported Sudan, in particular the establishment of a UN institution to address all aspects of the situation in the Council members were preparing a draft resolu- ence in Oslo for the mobilization of resources. Norway’s initiative to convene a donor’s confer- in its implementation. The Council endorsed Norway’s initiative to convene a donor’s confer- ence in Oslo for the mobilization of resources. Council members were preparing a draft resolu- tion to address all aspects of the situation in the Sudan, in particular the establishment of a UN peace support operation. The Council supported the Secretary-General’s recommendations that the proposed mission cooperate with the AU and support its efforts to resolve the ongoing conflicts in the Darfur region.

The Sudan’s First Vice-President, Ali Osman Taha, informed the Council that the Comprehensive Peace Agreement had been endorsed by the legislative institutions and actual implement- ation had begun. In that regard, Sudan was ready to discuss with the United Nations the de- tails of its proposed mission (see p. 303). He ap- pealed for the lifting of economic and trade re- strictions or sanctions; the writing off of the Sudan’s foreign debt; and generous donations at the upcoming donors conference to help with the enormous task of the economic development process under way. The Gov- ernment was firm in its commitment to apply the basic principles endorsed in the 1998 Constitu- tion and the Comprehensive Peace Agreement to all states of the Sudan and to undertake a final settlement on the basis of those principles.

SPLM/A Chairman Garang told the Council that SPLM’s National Liberation Council, the Movement’s highest legislative body, had unani- mously ratified the Comprehensive Peace Agree- ment on 24 January and the National Assembly on 1 February. In preparation for the Agree- ment’s implementation, SPLM/A had established several committees to work out mechanisms to transform its various organs of guerilla warfare and armed opposition into institutions of good governance. It was holding discussions with the Government of the Sudan and planned to send advance teams to Khartoum, Juba, Malaka, Wau, Kadugli, Damazien and Abyei, as specified in the Agreement, to facilitate coordination of its im- plementation. Both sides were also evaluating the drafts of their respective joint assessment mis- sions for presentation at the upcoming Oslo conference, and were also working jointly on an initial draft of the interim national constitution for presentation to and adoption by their respective legislative authorities. The interim constituti- on would launch the Government of National Unity, the government of southern Sudan and other structures stipulated in the Comprehensive Peace Agreement. He urged the international community to help with the enormous task of the voluntary return, reintegra- tion and rehabilita- tion of returning refugees and internally dis- placed persons. SPLM/A supported, in principle, the deployment of a UN peace support mission and requested discussions with the United Nations of the details of that mission.

He said that he was encouraged to believe that the Comprehensive Peace Agreement could be successfully applied and adapted to the conflicts in Darfur and eastern Sudan so that a compre- hensive peace agreement might be achieved for the whole of the country.

**SECURITY COUNCIL ACTION (10-17 March)**


The Security Council,
Reaffirming its readiness to support the peace process,
1. Decides to extend the mandate of the United Nations Advance Mission in the Sudan, established by its resolution 1547(2004), until 17 March 2005;
2. Decides to remain actively seized of the matter.


The Security Council,
Reaffirming its readiness to support the peace process,
1. Decides to extend the mandate of the United Nations Advance Mission in the Sudan, established by its resolution 1547(2004), until 24 March 2005;
2. Decides to remain actively seized of the matter.

**Establishment of UNMIS**

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,

Welcoming the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People’s Liberation Movement/Army in Nairobi on 9 January 2005,

Recalling the commitments made by the parties in the N’Djamena ceasefire agreement of 8 April 2004 and the Humanitarian and Security Protocols of 9 November 2004, signed in Abuja between the Government of the Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement, and recalling the commitments made in the joint communiqué of 3 July 2004 of the Government of the Sudan and the Secretary-General,

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,

Taking note of the statements by Mr. Ali Osman Taha, First Vice-President of the Government of the Sudan and Mr. John Garang de Mabior, Chairman of the Sudan People’s Liberation Movement/Army, at the meeting of the Security Council on 8 February 2005, and their strong will and determination to find a peaceful resolution to the conflict in Darfur, as expressed at the meeting,

Recognizing that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, and calling upon all Sudanese parties, in particular those party to the Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur and to take all necessary action to prevent further violations of human rights and international humanitarian law and to put an end to impunity, including in the Darfur region,

Expressing its utmost concern over the dire consequences of the prolonged conflict for the civilian population in the Darfur region as well as throughout the Sudan, in particular the increase in the number of refugees and internally displaced persons,

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,

Expressing its deep concern for the security of humanitarian workers and their access to populations in need, including refugees, internally displaced persons and other war-affected populations,

Condemning the continued violations of the N’Djamena ceasefire agreement and the Abuja Protocols by all sides in Darfur and the deterioration of the security situation and the negative impact this has had on humanitarian assistance efforts,

Strongly condemning all violations of human rights and international humanitarian law in the Darfur region, in particular the continuation of violence against civilians and sexual violence against women and girls since the adoption of resolution 1574(2004), urging all parties to take necessary steps to prevent further violations, and expressing its determination to ensure that those responsible for all such violations are identified and brought to justice without delay,

Recalling the demands in resolutions 1556(2004), 1564(2004) and 1574(2004) that all parties to the conflict in Darfur refrain from any violence against civilians and cooperate fully with the African Union mission in Darfur,

Commending the efforts of the African Union, in particular its Chairman, acknowledging the progress made by the African Union in the deployment of an international protection force, police and military observers, and calling upon all Member States to contribute generously and urgently to the African Union mission in Darfur,

Commending also the efforts of the Intergovernmental Authority on Development, in particular the Government of Kenya as Chair of the Subcommittee on the Sudan,


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

Expressing grave concern at the allegations of sexual exploitation and misconduct by United Nations personnel in United Nations established operations, and welcoming the letter dated 9 February 2005 from the Secretary-General to the Council in this regard, affirming that there will be a zero-tolerance policy toward sexual exploitation and abuse of any kind in all United Nations peacekeeping missions,

Recognizing that international support for implementation of the Comprehensive Peace Agreement is critically important to its success, emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance, and alarmed that the violence in Darfur nonetheless continues,

Taking note of the reports of the Secretary-General of 31 January 2005, 4 February 2005, and 4 March 2005, as well as the report of 25 January 2005 of the International Commission of Inquiry for Darfur,

Taking note also of the request of the parties to the Comprehensive Peace Agreement for the establishment of a peace support mission,

Expressing appreciation for the important contributions of the Standby High-Readiness Brigade towards the planning, preparation and initial deployment of a peacekeeping operation, as well as the preparatory
work by the United Nations Advance Mission in the Su-
dan.

Determining that the situation in the Sudan continues
to constitute a threat to international peace and secu-

1. Decides to establish the United Nations Mission in
the Sudan for an initial period of six months and fur-
ther decides that the Mission will consist of up to
10,000 military personnel and an appropriate civilian
component including up to 715 civilian police person-
nel;

2. Requests that the Mission closely and continu-
ously liaise and coordinate at all levels with the African
Union Mission in the Sudan with a view to expedi-
tiously reinforcing the effort to foster peace in Darfur,
especially with regard to the Abuja peace process and
the African Union Mission in the Sudan;

3. Requests the Secretary-General, through his Spe-
cial Representative for the Sudan, to coordinate all the
activities of the United Nations system in the Sudan, to
mobilize resources and support from the international
community for both immediate assistance and the
long-term economic development of the Sudan and to
facilitate coordination with other international actors,
in particular the African Union and the Intergovern-
mental Authority on Development, of activities in
support of the transitional process established by the
Comprehensive Peace Agreement, and to provide
good offices and political support for the efforts to re-
solve all ongoing conflicts in the Sudan;

4. Decides that the mandate of the Mission shall be
the following:

(a) To support implementation of the Comprehensive
Peace Agreement by performing the following tasks:

(i) To monitor and verify the implementation of
the N’Djamena ceasefire agreement and to in-
vestigate violations;

(ii) To liaise with bilateral donors on the formation
of joint integrated units;

(iii) To observe and monitor movement of armed
groups and redeployment of forces in the areas
of deployment of the Mission in accordance
with the ceasefire agreement;

(iv) To assist in the establishment of the disarma-
ment, demobilization and reintegration pro-
gramme as called for in the Comprehensive
Peace Agreement, with particular attention to
the special needs of women and child combat-
ants, and its implementation through voluntary
dismantlement and weapons collection and de-
struction;

(v) To assist the parties to the Comprehensive Peace
Agreement in promoting understanding of the
peace process and the role of the Mission by
means of an effective public information cam-
paign, targeted at all sectors of society, in coordi-
nation with the African Union;

(vi) To assist the parties to the Comprehensive Peace
Agreement in addressing the need for a na-
tional inclusive approach, including the role of
women, towards reconciliation and peace-
building;

(vii) To assist the parties to the Comprehensive Peace
Agreement, in coordination with bilateral and
multilateral assistance programmes, in restruc-
turing the police service in the Sudan, consistent with democratic policing, to develop
a police training and evaluation programme, and to otherwise assist in the training of civilian
police;

(viii) To assist the parties to the Comprehensive Peace
Agreement in promoting the rule of law, includ-
ing an independent judiciary, and the protec-
tion of human rights of all people of the Sudan
through a comprehensive and coordinated strat-
ey with the aim of combating impunity and
contributing to long-term peace and stability
and to assist the parties to the Agreement to de-
velop and consolidate the national legal frame-
work.

(ix) To ensure an adequate human rights presence,
capacity and expertise within the Mission to
be deployed across the unsustainable right pro-
tection and monitoring activities;

(x) To provide guidance and technical assistance to
the parties to the Comprehensive Peace Agree-
ment, in cooperation with other international
actors, to support the preparations for and con-
duct of elections and referendums provided for
by the Agreement;

(b) To facilitate and coordinate, within its capabili-
ties and in its areas of deployment, the voluntary re-
turn of refugees and internally displaced persons, and
humanitarian assistance, inter alia, by helping to es-
ablish the necessary security conditions;

(c) To assist the parties to the Comprehensive Peace
Agreement, in cooperation with other international
partners in the mine-action sector, by providing hu-
manitarian demining assistance, technical advice and
coordination;

(d) To contribute towards international efforts to
protect and promote human rights in the Sudan, as
well as to coordinate international efforts towards the
protection of civilians with particular attention to vul-
nerable groups including internally displaced persons,
returning refugees, and women and children, within
the Mission’s capabilities and in close cooperation with
other United Nations agencies, related organizations
and non-governmental organizations;

5. Requests the Secretary-General to report to the
Council within thirty days on options for how the Mis-
sion can reinforce the effort to foster peace in Darfur
through appropriate assistance to the African Union
Mission in the Sudan, including logistical support and
technical assistance, and to identify ways in liaison
with the African Union to utilize the Mission’s re-
sources, particularly logistical and operations support
elements, as well as reserve capacity towards this end;

6. Calls upon all parties to cooperate fully in the
deployment and operations of the Mission, in particular
by guaranteeing the safety, security and freedom of
movement of United Nations personnel as well as asso-
ciated personnel throughout the territory of the Su-
dan;

7. Emphasizes that there can be no military solution
to the conflict in Darfur, and calls upon the Govern-
ment of the Sudan and the rebel groups, particularly
the Justice and Equality Movement and the Sudan
Liberation Movement/Army to resume the Abuja talks
rapidly, without preconditions, and negotiate in good
faith to speedily reach agreement, and urges the par-

YUN05—4th proofs
Dec. 24 2007
ties to the Comprehensive Peace Agreement to play an<br>active and constructive role in support of the Abuja<br>talks and take immediate steps to support a peaceful<br>settlement to the conflict in Darfur;
8. Calls upon all Member States to ensure the free,<br>unhindered and expeditious movement to the Sudan<br>of all personnel, as well as equipment, provisions, sup-
plies and other goods, including vehicles and spare<br>parts, which are for the exclusive and official use of the<br>Mission;
9. Calls upon all parties to ensure, in accordance<br>with relevant provisions of international law, the full,<br>safe and unhindered access of relief personnel to all<br>those in need, and delivery of humanitarian assist-
ance, in particular to internally displaced persons and<br>refugees;
10. Requests that the Secretary-General transfer all<br>functions performed by the United Nations Advance<br>Mission in the Sudan to the Mission, together with<br>staff and logistics of the Office as appropriate, on the<br>date when the Mission is established, and to ensure a<br>seamless transition between the United Nations and<br>existing monitoring missions, namely the Verification<br>Mission, the Joint Monitoring Commission and the<br>Civilian Protection Monitoring Team;
11. Also requests the Secretary-General to keep the<br>Council regularly informed of the progress in imple-
menting the Comprehensive Peace Agreement, re-
spect for the ceasefire and the implementation of the<br>mandate of the Mission, including a review of the<br>troop level, with a view to its adjusted reduction, taking<br>account of the progress made on the ground and the<br>tasks remaining to be accomplished, and to report to<br>the Council in this regard every three months;
12. Further requests that the Secretary-General con-
tinue to report on a monthly basis on the situation in<br>Darfur;
13. Urges the joint assessment mission of the United<br>Nations, the World Bank and the parties, in as-
association with other bilateral and multilateral donors,<br>to continue their efforts to prepare for the rapid de-
delivery of an assistance package for the reconstruction and<br>economic development of the Sudan, including offi-
cial development assistance and trade access, to be im-
plemented once implementation of the Comprehen-
sive Peace Agreement begins, welcomes the initiative<br>of the Government of Norway to convene an interna-
tional donors conference for the reconstruction and<br>economic development of the Sudan, and urges the in-
ternational community accordingly to donate gener-
ously, including to address the needs of internally dis-
placed persons and refugees;
14. Requests the Secretary-General to take the neces-
sary measures to achieve actual compliance in the Mis-
sion with the United Nations zero-tolerance policy<br>towards sexual exploitation and abuse, including the<br>development of strategies and appropriate mecha-
nisms to prevent, identify and respond to all forms of<br>misconduct, including sexual exploitation and abuse,<br>and requests the Government of the Sudan to place<br>introduction of training for personnel to prevent<br>misconduct and ensure full compliance with the<br>United Nations code of conduct, requests the<br>Secretary-General to take all necessary action in<br>accordance with the Bulletin on special measures for<br>protection from sexual exploitation and sexual abuse and<br>to keep the Council informed, and urges troop-
contributing countries to take appropriate preventive<br>action, including the conduct of predelivery aware-
ness training, and to take disciplinary action and other<br>action to ensure full accountability in cases of such<br>conduct involving their personnel;
15. Reaffirms the importance of appropriate ex-
pertise on issues relating to gender in peacekeeping<br>operations and post-conflict peacebuilding in accord-
ance with resolution 1325(2000), recalls the need to<br>address violence against women and girls as a tool of<br>warfare, and encourages the Mission, as well as the<br>Sudanese parties to actively address these issues;
16. Acting under Chapter VII of the Charter of the<br>United Nations,
(a) Decides that the Mission is authorized to take the<br>necessary action, in the areas of deployment of its<br>forces and as it deems within its capabilities, to protect<br>United Nations personnel, facilities, installations and<br>equipment, ensure the security and freedom of move-
ment of United Nations personnel, humanitarian<br>workers, joint assessment mechanism and assessment<br>and evaluation commission personnel, and, without<br>prejudice to the responsibility of the Government of<br>the Sudan, to protect civilians under imminent threat<br>of physical violence; and
(b) Requests that the Secretary-General and the Gov-
ernment of the Sudan, following appropriate consulta-
tion with the Sudan People’s Liberation Movement,<br>conclude a status-of-forces agreement within thirty<br>days of adoption of the present resolution, taking into<br>consideration General Assembly resolution 58/82 of<br>9 December 2003 on the scope of legal protection<br>under the Convention on the Safety of United Nations<br>and Associated Personnel, and notes that pending the<br>conclusion of such an agreement, the model status-of-
forces agreement dated 9 October 1990 shall apply<br> provisionally;
17. Underscores the immediate need to rapidly in-
crease the number of human rights monitors in<br>Darfur, and urges the Secretary-General and the<br>United Nations High Commissioner for Human<br>Rights to undertake to accelerate the deployment of<br>human rights monitors to Darfur and augment their<br>numbers and also to move forward with the formation<br>of civilian monitoring protection teams, and expects<br>that the Secretary-General will report on progress on<br>the formation of these teams in his reports to the<br>Council as outlined in paragraph 11 above;
18. Decides to remain seized of the matter.

Further political developments

Report of Secretary-General (June). In a 23<br>June report [S/2005/411], the Secretary-General, in an assessment of the overall situation in the<br>country since the signing of the Comprehensive<br>Peace Agreement and the commencement of the<br>implementation process, said that, at the start of<br>the interim period of six and a half years of<br>shared responsibility between the Government<br>and SPLM/A, many of the political players in the<br>north, as well as some forces in the south of the<br>Sudan, were still hesitant to commit themselves to<br>an agreement to which they were not party, es-
specially its provisions on wealth-sharing arrange-
ments. However, on 18 June (Cairo, Egypt), after months of effort and inconclusive talks, an agreement was finalized by the National Democratic Alliance and the Government, including Mr. Garang, that would enable the Alliance to participate in its implementation. As a sign of increasing engagement, more than 100 political leaders and civil society representatives attending a South-South Dialogue Conference (Nairobi, Kenya, April), at which they signed a covenant pledging to defend the Agreement and declaring their commitment to the south, required and national healing. They also adopted a number of resolutions that addressed various steps to be taken in support of the Agreement’s implementation. However, on 1 June, 15 Sudanese political parties, including the Umma National Party and the Popular National Congress, signed a political declaration pledging to work together, but not in the context of the Agreement.

The Joint National Transition Team commenced its duties related to the Agreement’s implementation, playing a crucial role in preparing for the establishment of governments at the national, southern Sudan and state/regional levels. It also developed fund-raising strategies for the smooth and timely commencement of the interim period, including the finalization of the joint Government-SPLM/A position for the donors’ conference held in Oslo on 11 April. In addition, SPLM/A began to establish its presence in Khartoum, as well as in southern areas under the Government’s control to set up SPLM/A political structures and had started working with the National Congress and local authorities.

On 30 April, the National Constitutional Review Commission was inaugurated. Composed of representatives from the Government, SPLM/A and some northern- and southern-based political opposition parties, the Commission met in both Khartoum and Rumbek. The conclusion of its work would pave the way for the establishment of the Government of National Unity.

The Abyei area, having been accorded special administrative status under the Agreement during the interim period, and considered the bridge between the north and the south, required particular attention. The Abyei Boundaries Commission, which was constituted in Nairobi, visited the region in April and May. The Secretary-General expressed concern over the obstruction of the Commission’s activities by rogue elements resulting in a number of security incidents. Moreover, numerous armed groups in southern Sudan posed a potential security threat and risked jeopardizing the Agreement’s implementation. To address the problem, SPLM and the Government convened an initial meeting of the Collaborative Committee of Other Armed Groups, but no further progress was made. The Joint Media Commission, established by the parties in early March, worked to improve the population’s awareness of the Agreement’s provisions, address the issue of hostile propaganda and help develop a cooperative relationship between the parties in the area of information. UNMIS assisted the Commission in its work. Concerning the joint integrated units to be deployed in the ceasefire areas and in Khartoum, the Government and SPLM/A identified their participants and ceased the formation of units in southern Kordofan.

Communication. On 24 June [S/2005/435], the Secretary-General drew the attention of the Security Council President to the urgent need for additional donor support for the Sudan, in the light of a shortfall of over $1 billion for all sectors and areas of the country. He said that failure to meet the humanitarian challenges facing the country could place the Comprehensive Peace Agreement in jeopardy. Five months since the signing of the Agreement and two months after the pledge of $4.5 billion in humanitarian assistance made at the Oslo Conference, a large percentage of the pledges for 2005 had yet to materialize and pledges for more immediate assistance were urgently needed.

Death of First Vice-President

Report of Secretary-General (September). In a later report [S/2005/570], the Secretary-General said that President Omar Al-Bashir, First Vice-President Garang and Vice-President Ali Osman Taha were sworn in on 9 July. The President issued a decree on the same day to establish a caretaker Government, pending the establishment of the Government of National Unity. The new Interim National Constitution was also signed by President Al-Bashir and the state of emergency was lifted in all states except Darfur, Kassala and Red Sea. However, implementation of the Agreement was put to the test with the death of First Vice-President and SPLM Chairman John Garang on 30 July. His death sparked violence in Khartoum, Juba and Malakal in the southern Sudan, resulting in a significant number of deaths, arson and damage to property. SPLM moved swiftly to confirm Salva Kiir as its new Chairman who, with Sudanese President Omar el-Bashir and a number of Sudanese and other world leaders, appealed for calm and unity. By the time Mr. Garang’s funeral was held on 6 August, the tense atmosphere had dissipated somewhat and the caretaker Government had established committees to investigate both the helicopter crash and the violence. Salva Kiir was...
sworn in as First Vice-President of the Sudan on 11 August. During the inauguration ceremony, President Al-Bashir vowed to join hands with SPLM to continue working towards “harmony and co-existence”, while the new First Vice-President pledged to continue the vision of the late SPLM leader and to work for unity for all southerners over the interim period. He called for the inclusion of all Sudanese political forces within the Comprehensive Peace Agreement. On 19 August, Riek Machar was appointed Vice-President of southern Sudan in accordance with SPLM succession procedures.

SECURITY COUNCIL ACTION

On 2 August [meeting 5245], the Security Council met to consider the death, on 30 July, of First Vice-President and SPLM Chairman John Garang de Mabior in a helicopter crash near New Cush, southern Sudan. Following consultations among Council members, the President made statement S/PRST/2005/38 on behalf of the Council:

The Security Council expresses its profound regret over the death of the First Vice-President of the Sudan Mr. John Garang de Mabior in a helicopter crash on 30 July 2005. The Council offers its deepest sympathy and condolences to the family of Mr. Garang and to the people and Government of the Sudan.

This is a time for the world community to come together to support Mr. Garang’s vision of a united and peaceful Sudan. The Council commends the perseverance and commitment which the parties in the Sudan demonstrated in achieving the Comprehensive Peace Agreement and the promise of a new future. Over the last few years, Mr. Garang’s courageous efforts were instrumental in ending the over 21-year civil war that cost the lives of millions of Sudanese. His leadership offered hope for democracy and peace for all people of the Sudan.

The Council calls upon all Sudanese to honour his memory by restoring peace and calm throughout the Sudan. The Council trusts that, despite the sudden death of Mr. Garang, the people of the Sudan remain united and continue to work for the consolidation of peace in the country by implementing the Comprehensive Peace Agreement, for which Mr. Garang worked unstintingly.

The Council stresses that the death of Mr. Garang should not deter the struggle of the Sudanese people for justice and dignity, and encourages the people of the Sudan to refrain from violence and maintain peace in the midst of mourning.

The Council reiterates its determination to assist the Sudanese people in their efforts to promote national reconciliation, resolve the conflict in Darfur and restore peace and stability throughout the country, and to build a prosperous and united Sudan.

The Council looks to the international community to continue its support for the people of the Sudan to implement the Comprehensive Peace Agreement, to resolve the humanitarian crisis in Darfur, and to proceed with the reconstruction and rehabilitation process.

Further implementation of Peace Agreement

The Secretary-General, in his September report [S/2005/597], said that Mr. Garang’s death led to delays in the implementation of the Comprehensive Peace Agreement, including the appointment of the Council of Ministers, which was to have been completed by 9 August. There were reports of tension within the caretaker Government between the parties over portfolios and protracted delays over the allocation of the key “sovereign” and economic ministries. At the same time, many commissions and committees anticipated in the Comprehensive Peace Agreement, in areas such as human rights and the civil service, remained to be created. However, on 30 August, President Al-Bashir established the Ceasefire Political Commission, whose functions would include supervising, monitoring and overseeing the Agreement’s implementation, as well as providing a political forum for continuous dialogue between the parties and the international community. Meanwhile, the mandate and composition of the Assessment and Evaluation Commission were reviewed by the Presidency.

While the Government of National Unity remained to be finalized, the two chambers of the national legislature, the National Assembly and the Council of States, were inaugurated on 31 August. Three pieces of legislation were introduced for its review and approval: the Bank of Sudan Act, the Constitutional Court Act, and the Judicial Service Commission Act. Among other positive developments were the nomination by the Government and SPLM of officers to form the Joint Integrated Units, which would constitute the nucleus of the future Sudanese National Armed Forces and encouraging signs that political parties that were not signatories to the Agreement, including the National Democratic Alliance, were ready to participate in the Government of National Unity.

In the south, the SPLM legislative council was dissolved on 18 July and a caretaker administration established. On 27 August, the Southern Sudan Constitutional Drafting Committee was established to examine and adopt the draft of the southern Sudanese constitution based on the Comprehensive Peace Agreement and the Interim National Constitution. A south-south dialogue meeting (Nairobi, 30 June), facilitated by the Moi Africa Institute, brought together senior SPLM/A security officials and commanders of various militia groups active in southern Sudan for the first time since the 1991 SPLM/A split, but failed to resolve the fundamental differences be-
government of southern Sudan, and while UNMIS had responded with logistical and material assistance, the Mission would find it increasingly difficult to continue doing so without compromising its other mandated tasks. The Secretary-General appealed to the international community, in the light of the scale of the immense challenge facing the government of southern Sudan, to provide adequate support so as to consolidate peace in the Sudan. He recommended that the Council renew UNMIS mandate until 24 September 2006.

**SECURITY COUNCIL ACTION (September)**


The Security Council,
Recalling its previous resolutions, in particular resolution 1390 (2005) of 24 March 2005, and the statements by its President concerning the Sudan,
Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan,
Reiterating its expression of sympathy and condolences on the death of First Vice-President John Garang de Mabior on 30 July 2005, and commending the Government of the Sudan and First Vice-President Salva Kiir Mayardit for continued efforts for the consolidation of peace in the Sudan,
Welcoming implementation by the Government of the Sudan and the Sudan People’s Liberation Movement/Army of the Comprehensive Peace Agreement of 9 January 2005, and in particular welcoming the formation of the Government of National Unity as a significant and historic step towards lasting peace in the Sudan,
Urging the parties to meet their outstanding commitments under the Comprehensive Peace Agreement, including, as a priority, the establishment of the Assessment and Evaluation Commission,
Determining that the situation in the Sudan continues to constitute a threat to international peace and security,
Acknowledging the commitments by troop-contributing countries in support of the United Nations Mission in the Sudan, and encouraging deployment in order for the Mission to support timely implementation of the Comprehensive Peace Agreement,

1. **Resolves** to extend the mandate of the United Nations Mission in the Sudan until 24 March 2006, with the intention to renew it for further periods;

2. **Requests** the Secretary-General to report to the Security Council every three months on the implementation of the mandate of the Mission, including its work to reinforce the efforts of the African Union Mission in the Sudan to foster peace in Darfur;

3. **Urges** troop-contributing countries to review carefully the letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly and to take appropriate action to prevent sexual exploitation and abuse by their personnel in the United Nations Mission in the Sudan, including predeployment awareness training, and to take disci-
plenary action and other action to ensure full accountability in cases of such misconduct involving their personnel;
4. Decides to remain actively seized of the matter.

Report of Secretary-General (December). In December [S/2005/821], the Secretary-General reported that implementation of the Comprehen-
sive Peace Agreement gained some momentum despite the delays following the death of former First Vice-President John Garang. After consider-
able dispute over the allocation of some ministerial portfolios, most notably that of energy and mining, the Government of National Unity was established on 20 September. Members of the National Democratic Alliance subsequently agreed to join the Government and was allocated a number of executive positions and seats in parliament, but other northern parties decided to stay in opposition, although they did state their respect for the Comprehensive Peace Agreement and desire for a more inclusive political process. Some southern parties, other than SPLM, also joined the Government of National Unity.

Meanwhile, the government of southern Sudan was established on 22 October as a caretaker government, pending the adoption of the Interim Constitution of Southern Sudan, which was subsequently signed into law on 5 December. Ten southern Sudan state governors were also appointed during this period. However, although the government of southern Sudan included a number of small southern parties, it had been criticized by some as not being fully representative of the south. Some members of the Southern Sudan Legislative Assembly alleged an ethnic imbalance in the government of southern Sudan.

A number of key commissions were established and staffed, and some of the legislation for creating the remaining commissions was adopted. The presidency issued decrees to establish the Assessment and Evaluation Commission, the National Petroleum Commission, the Fiscal and Financial Allocation and Monitoring Commission and the Technical Ad Hoc Border Committee. The Assessment and Evaluation Commission, chaired by Norway, held its first two meetings. The membership of the Ceasefire Political Commission, announced in November, comprised representatives of NCP, SPLM, IGAD, the IGAD Partners Forum and the United Nations as a full member.

At the same time, the delay in implementing the Abyei Boundary Commission’s decision defining the borders of the Abyei area contributed to a tense situation in that part of the country. The situation on the ground was further complicated by a sudden upsurge of returns, and a military build-up by the Sudanese Armed Forces (SAF), the Sudan People’s Liberation Army (SPLA) and the South Sudan Defence Force. Due to concern that the start of the migration season could lead to clashes between the Missiriya and Dinka tribes, UNMIS increased its presence in Abyei and completed the deployment of the UN protection force there. The Mission encouraged the authorities to establish both the Executive Council and the Joint Integrated Unit in Abyei to normalize the situation and contribute to confidence-building measures. It also convened meetings with the parties to discuss areas of mutual concern, including security and migratory routes. UN agencies also started to plan humanitarian and developmental programmes in Abyei to help promote peaceful coexistence.

In the meantime, the problem of other armed groups remained of crucial importance in southern Sudan. Negotiations continued between First Vice-President Salva Kiir and leaders of other armed groups on their participation in southern state governments, some of whom had been offered government positions. However, many others did not meet the Comprehensive Peace Agreement standard of “incorporation”, leaving a considerable number of them completely outside the process, including the remaining “independents” who were a source of growing concern, as the 9 January 2006 deadline for full integration approached. Meanwhile, extortion schemes, illegal taxation, forced recruitment and violence attributed to other armed groups still continued in some areas.

The Secretary-General urged the Government of National Unity and the government of southern Sudan to tackle the insecurity in southern Sudan, while the Government there should encourage continuing reconciliation throughout the region. The withdrawal of SPLA from the Hameshkoreib region of eastern Sudan on the border with Eritrea risked creating a power vacuum. He urged the eastern leaders to facilitate a security and humanitarian assessment of the area so as to allow humanitarian access from within the Sudan. Most importantly, direct talks on the situation in the east had to begin so that a political agreement could be reached. In the light of the fluidity of the situation on the ground, the United Nations would need to maintain a multi-functional presence in eastern Sudan beyond the 9 January 2006 deadline for the redeployment of SPLA.

UNMIS activities
In accordance with resolution 1590(2005), UNMIS provided good offices and political support to assist the parties in implementing the
Comprehensive Peace Agreement and resolve all ongoing conflicts in the Sudan. It met regularly with officials of the Government of National Unity, the government of southern Sudan and opposition groups in an effort to encourage wider participation in and support for the peace process. The military elements began deployment during the first week of April and established the force headquarters in Khartoum and the Joint Military Monitoring Coordination Office responsible for supporting the Ceasefire Joint Military Committee. The Committee held 15 meetings during the year under the chairmanship of the UNMIS Force Commander. Military deployment remained behind schedule, owing largely to delays in the force-generation process. As at December, the military strength stood at 4,291 personnel, or 40 per cent of the expected total of 9,880. By September, it had established full-time military observer presence in Juba, Wau, Malakal, Kadugli, Ed Damazin, Abeyi and Kassala. UNMIS had also begun to monitor the movement of armed groups and the redeployment of forces in its operational area. The first monitored redeployment took place on 3 and 4 September when 995 SPLA troops moved from Kassala to Khartoum with their weapons and equipment to make up the future Khartoum Joint Inspection Unit.

UNMIS facilitated, supported and encouraged local reconciliation initiatives in areas of conflict within the Sudan, including encouraging dialogue in relevant areas, identifying the needs of the new public administration and helping to defuse tension. UNDP was supporting state- and country-level public administration through technical assistance and in-service training. In Abeyi, UNMIS hosted the first meeting in many years between Dinka Ngok and Missiriya leaders to discuss the seasonal migration of Missiriya nomads through the Dinka Ngok farming areas, and other issues that could lead to conflict between the two tribes. In southern Sudan, the Lord’s Resistance Army operating out of Uganda perpetrated several vicious attacks on villages, and since the issue of indictments by the International Criminal Court of its leaders, had started targeting UN personnel and NGOs, hampering their activities. UNMIS coordinated its activities with others in the area to address the situation.

UNMIS supported the interdiction of child combatants, demobilization and reintegration authorities for the north and the south in key assessment surveys. Demobilization of child combatants was planned to start in December. Japan and the United Kingdom had contributed $6.9 million and 2 million pounds, respectively, to implement the special groups’ needs. However, serious challenges remained to the full implementation of the disarmament, demobilization and reintegration programme and the establishment of the related national coordination councils and commissions for northern and southern Sudan.

The deployment of UN police suffered from delays due to a lack of facilities, especially in Kadugli, Abeyi and Juba. As at December, 215 police from 27 countries had been deployed. The police monitored, advised and reported on the activities of the local police in southern Sudan, including criminal investigation and correctional reform. UNMIS also liaised with the African Union Mission in the Sudan (AMIS) to reinforce AU-led efforts to foster peace in Darfur through technical and logistical assistance to AMIS.

Financing

On 1 March [S/2005/37/Add.1], the Secretary-General informed the Security Council that the financial implications of UNMIS deployment were projected at $1,009.8 million for a 12-month period.

On 29 March [A/57/756 & Corr. 1, 2], pending the submission of a full budget for UNMIS at the General Assembly’s sixtieth (2005) session, the Secretary-General requested commitment authority with assessment in the amount of $395.5 million to cover the requirements of the Mission for the period from 1 July 2004 to the date of the establishment of the Mission and immediate start-up requirements to 31 October 2005.

ACABQ, in its April report [A/59/768], recommended approval of the Secretary-General’s proposal.

GENERAL ASSEMBLY ACTION

On 21 April, the General Assembly, on the recommendation of the Fifth Committee [A/59/780], adopted resolution 59/292 without vote [agenda item 131].

Financing of the United Nations Mission in the Sudan

The General Assembly,

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


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

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations,
as stated in its resolutions 1874(S-VI) of 27 June 1993, 310(XVIII) of 11 December 1973 and 55/235 of 23 December 2000,

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 resolution of the Security Council,

1. Expresses concern about 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 Mission;
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. Notes that the General Assembly has never pronounced itself on the use of assessed peacekeeping contributions for the purposes stated in paragraph 15 of the report of the Advisory Committee, and decides to revert to this issue in the context of its consideration of item 125, entitled “Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations”, during the second part of its resumed fifty-ninth session in the light of the additional information to be provided thereon by the Secretary-General;
8. Requests the Secretary-General to take all action necessary to ensure that the Mission is administered with a maximum of efficiency and economy;
9. 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;

Budget estimates for the period from 1 July 2004 to 31 October 2005

10. Authorizes the Secretary-General to establish a special account for the United Nations Mission in the Sudan for the purpose of accounting for the income received and expenditure incurred in respect of the Mission;
11. Also authorizes the Secretary-General to enter into commitments for the Mission for the period from 1 July 2004 to 31 October 2005 in a total amount not exceeding 595,498,500 United States dollars for the initial establishment of the Mission, comprising, for the period from 1 July 2004 to 30 June 2005, the amount of 279,501,300 dollars, inclusive of the amount of 99,999,400 dollars previously authorized by the Advisory Committee, and, for the period from 1 July to 31 October 2005, the amount of 315,997,200 dollars, under the terms of section IV of General Assembly resolution 49/253 A of 23 December 1994;

Financing of the commitment authority

12. Decides to apportion among Member States the total amount of 497,873,300 dollars for the period from 1 July 2004 to 23 September 2005, comprising the amount of 279,501,300 dollars for the period from 1 July 2004 to 30 June 2005 and the amount of 218,372,000 dollars for the period from 1 July to 23 September 2005, in accordance with the scale of assessments for 2004, as set out in its resolution 58/256 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2005, as set out in its resolution 58/1 B of 23 December 2003;
13. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of 1,635,000 dollars, representing the estimated staff assessment income approved for the Mission for the period from 1 July 2004 to 30 June 2005, and 2,042,500 dollars, representing the estimated staff assessment income approved for the Mission for the period from 1 July to 23 September 2005;
14. Decides further to apportion among Member States the amount of 97,625,200 dollars for the period from 24 September to 31 October 2005, at a monthly rate of 78,999,300 dollars, in accordance with the scheme set out in paragraph 12 above, taking into account the scale of assessments for 2005, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Mission;
15. 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 14 above, their respective share in the Tax Equalization Fund of 913,100 dollars, representing the estimated staff assessment income approved for the Mission for the period from 24 September to 31 October 2005;
16. Emphasizes that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;
17. 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;
18. 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;
19. Decides to include in the provisional agenda of its sixtieth session the item entitled “Financing of the United Nations Mission in the Sudan”.

Africa 313
In August [A/60/90], the Secretary-General submitted the budget for UNMIS from 1 July 2004 to 30 June 2005, comprising $222,031,700 for the period from 1 July 2004 to 30 June 2005 and $1,017,602,600 for the period from 1 July 2005 to 30 June 2006. ACABQ’s comments and recommendations thereon were contained in its October report [A/60/428].

On 8 December [meeting 62], the Assembly, on the recommendation of the Fifth Committee [A/60/582], adopted resolution 60/122 without vote [agenda item 13].

**Financing of the United Nations Mission in the Sudan**

The General Assembly,

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


Recalling also its resolution 59/292 of 21 April 2005 on the financing of the Mission,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in its resolutions 1874(S-IV) of 27 June 1963, 301(XXXVIII) of 11 December 1973 and 55/235 of 25 December 2000,

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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Mission in the Sudan as at 30 September 2005, including the contributions outstanding in the amount of 127.9 million United States dollars, representing some 26 per cent of the total assessed contributions, notes with concern that only sixty-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;

3. 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;

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

5. 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;

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 subject to the provisions of the present resolution, and requests the Secretary-General to ensure their full implementation;

10. Reaffirms its resolution 59/296, and requests the Secretary-General to ensure the full implementation of its relevant provisions;

11. Recognizes that the activities on disarmament, demobilization and reintegration are in conformity with its resolution 59/296, and authorizes the Secretary-General to utilize the proposed resources for disarmament, demobilization and reintegration in conformity with the provisions of that resolution;

12. Welcomes the steps taken to ensure the coordination and collaboration of efforts with the agencies, funds and programmes, as spelled out in paragraph 120 of the report of the Secretary-General, and to implement a unified workplan including, inter alia, disarmament, demobilization and reintegration, and requests the Secretary-General to report to the General Assembly on further actions taken, as well as progress made and to provide a clear description of respective roles and responsibilities in future budgets submissions commencing with the 2006/07 budget;

13. Decides to establish the 740 security posts requested in paragraphs 38 to 65 of the report of the Secretary-General, authorizes the Secretary-General, bearing in mind paragraph 29 of the report of the Advisory Committee on Administrative and Budgetary Questions, to utilize redeployment to meet the evolving security requirements in the Mission area and requests him to report thereon in the context of the Mission budget proposals for 2006/07;

14. Welcomes the review undertaken by the Mission on the proposed structure of the Mission, and requests the Secretary-General, bearing in mind the relevant observations of the Advisory Committee on Administrative and Budgetary Questions, to further elaborate on management efficiencies achieved, as well as on the strengthened monitoring and accountability system in the context of a unified, area-based and decentralized organizational structure and to report thereon in future budgets submissions commencing with the 2006/07 budget;

15. Recalls section XVII, paragraph 4, of its resolution 59/296 and, in this context, requests the Secretary-General to pursue, through collaboration
between the United Nations peacekeeping operations in the region, opportunities for optimizing, where possible, the provision and management of support resources and service delivery, while ensuring the effective provision of such resources and service delivery for peacekeeping operations in the region, and to report thereon in the context of the respective 2006/07 budgets;

16. Welcomes the use of the Entebbe installation to enhance the efficiency and responsiveness of its logistical support operations for peacekeeping missions in the regions;

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

18. 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;

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

19. Decides to appropriate to the Special Account for the United Nations Mission in the Sudan the amount of 2,313,100 dollars for the period from 1 July 2004 to 30 June 2005 for the establishment of the Mission;

20. Decides also to approve the increase in the estimated staff assessment income for the period from 1 July 2004 to 30 June 2005 from 1,635,000 dollars to 2,153,100 dollars;

Budget estimates for the period from 1 July 2005 to 30 June 2006

21. Decides further to appropriate to the Special Account for the Mission the amount of 969,468,800 dollars for the maintenance of the Mission for the period from 1 July 2005 to 30 June 2006, inclusive of the amount of 3,914,000 dollars, representing the estimated additional staff assessment income approved for the Mission for the period from 1 November 2005 to 30 June 2006;

22. Decides also to appropriate to the Special Account for the Mission the amount of 5,792,000 dollars, representing the estimated additional staff assessment income approved for the period from 25 March to 30 June 2006, in accordance with the levels updated in General Assembly resolution 58/292, subject to a decision of the Security Council to extend the mandate of the Mission;

23. Decides further, 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 26 above, their respective share in the Tax Equalization Fund of the amount of 3,914,000 dollars, representing the estimated additional staff assessment income approved for the Mission for the period from 25 March to 30 June 2006;

24. Decides also to apportion among Member States the additional amount of 240,323,000 dollars for the period from 25 March to 30 June 2006, in accordance with the scheme set out in paragraph 24 above, and taking into account the scale of assessments for 2006, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Mission;

25. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1995, there shall be set off against the apportionment among Member States, as provided for in paragraph 24 above, their respective share in the Tax Equalization Fund of the amount of 5,792,000 dollars, representing the estimated additional staff assessment income approved for the Mission for the period from 1 November 2005 to 24 March 2006;

26. Decides also to apportion among Member States the additional amount of 240,323,000 dollars for the period from 25 March to 30 June 2006, in accordance with the scheme set out in paragraph 24 above, and taking into account the scale of assessments for 2006, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Mission.

Financing of the appropriation

27. Decides further, 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 26 above, their respective share in the Tax Equalization Fund of the amount of 3,914,000 dollars, representing the estimated additional staff assessment income approved for the Mission for the period from 25 March to 30 June 2006;

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

29. 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;

30. 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;

31. Decides to keep under review during its sixtieth session the item entitled “Financing of the United Nations Mission in the Sudan”.

In December [A/60/626], the Secretary-General submitted the performance report for the UNMIS budget for the period from 1 July 2004 to 30 June 2005.

Situation in Darfur


YUN05—4th proofs Dec. 24 2007
was seeping into the camps of internally displaced persons and was directly affecting humanitarian workers. Groups were also rearming and the conflict was spreading outside Darfur. Large quantities of arms had been carried into Darfur and the build-up of arms and intensification of violence, including air attacks, suggested that the security situation was deteriorating. The pressures on the parties to abide by their commitments were not having a perceptible effect on the ground, which led him to conclude that the Council should reconsider measures for achieving improved security and protection for the internally displaced persons.

Talks between the parties, within the Abuja peace process (10-22 December, 2004) had not yielded concrete results or a narrowing of the gap on the issues between them, and despite statements to the contrary, they had not committed themselves in practice to the implementation of the N’Djamena Humanitarian Ceasefire Agreement [YUN 2004, p. 235]. A move from the current fragile ceasefire to a resolution of the conflict in Darfur depended on the accomplishment of six tasks: the parties had to be persuaded, by a combination of pressure and assurances; that it was in their interest to pursue a peace settlement; respect the ceasefire; communicate their troop locations to the AU Ceasefire Commission; and agree on a plan of separation of forces. The parties should also minimize attacks by armed personnel on civilians by identifying practical means to ensure that their forces’ basic survival needs were met without violating the ceasefire. The composition and modalities of the Joint Commission provided for under the Humanitarian Ceasefire Agreement had to be amended so as to improve its credibility and effectiveness. There had to be proactive follow-up on the implementation of previous commitments and obligations so as to reduce the level of violence on the ground and build confidence in the peace process and the international community had to help the AU force to accelerate the rate of its deployment. Perpetrators of violations of human rights law and crimes under international humanitarian law should not be allowed to go unpunished.

Regarding the political process, action in three areas could be key to putting it on the right track: the parties should commit themselves to proceeding with political talks without further delay; the Council should assist the parties of the north-south dialogue to agree on a declaration of principles that addressed the core issues of power and wealth-sharing, as well as the integration of the Darfur peace talks into the wider process of peacemaking in the Sudan; and, while the current negotiation process between the Government, SLM/A and the Justice and Equality Movement (JEM) should proceed, it would be useful to start thinking of ways to create a broad and strong support base for sustainable peace.

Restoring peace in Darfur would require reconciliation and restoration of the social fabric in that region. Reconciliation would have to include all social groups and segments, especially non-armed groups and victims of the current violence. The only alternative to finding new measures was to find a way to deploy as many personnel on the ground as possible. The AU force had done more than any other outside agent to improve the security situation on the ground, and whatever actions and new initiatives were undertaken, the AU would remain, for the foreseeable future, the best mechanism for promoting peace in Darfur.

Security Council consideration (11 January). On 7 January [meeting 5109], the Security Council discussed the situation in the Sudan, especially the signing, on 9 January, of the Comprehensive Peace Agreement. The Special Representative of the Secretary-General for the Sudan, Jan Pronk, in his briefing to the Council, said that, although the security situation in Darfur had not improved, the signature of the north-south peace Comprehensive Peace Agreement was an opportunity to improve the capacity to solve that conflict. In that regard, he suggested that any future talks on Darfur’s political future be separated from those on security and humanitarian access, which should be relegated to the AU Ceasefire Commission and the Joint Commission; the Darfur ceasefire institutions should be empowered to enable them to authorize independent assessment of any ceasefire breaches and to make binding recommendations requiring unconditional implementation; and, with AU assistance, insist that both the Government and the rebel movements exercise full restraint and avert any attacks or retaliations; and the Government and the rebel movements should withdraw behind the lines prevailing before 8 December 2004 and the AU should protect the areas concerned; the Government should make a new start by disarming the Popular Defence Forces; the rebel movements should commit themselves to not blocking or disrupting the seasonal movement of nomadic tribes; and the Government should control and restrain the militias through force or tribal reconciliation and arrest those responsible for human rights violations.

The Special Representative suggested that it was time to prepare a national conference, with a view to reaching a consensus about the modalities of a peaceful future for the country, thereby integrating the Darfur peace talks into the wider
peacemaking process. However, the Darfur talks should not wait until such a national conference was feasible.

**Communication.** On 27 January [S/2005/56], Australia, Canada and New Zealand informed the Security Council President that they were gravely concerned by the deteriorating situation in Darfur and for the safety of persons living there. Believing that the Council was uniquely placed to assist in protecting civilians in the Darfur region, they proposed that it establish a committee to monitor the implementation of the arms embargo called for in resolution 1556(2004) [YUN 2004, p. 240] and address, with the assistance of a panel of experts, the origins of arms flows to those actors covered therein. The committee would, among other things, determine the financiers of the armed militias in Darfur, including pro-government militias, rebel movements and other emerging movements. It could also help to ensure that existing Council resolutions were being properly implemented and identify areas where further Council attention might be necessary. The Council should design targeted measures to bring greater pressure to bear on all parties to the conflict to comply with their undertakings and with its resolutions, including individual travel bans and the freezing of assets. The Secretary-General, in his next report on Darfur, should assess further the extent to which the parties to the conflict had respected the obligations imposed on them by earlier Council resolutions.

Also, should the International Commission of Inquiry established pursuant to resolution 1564 (2004) [ibid., p. 245] determine that crimes within the jurisdiction of the International Criminal Court had been committed, the Council should refer the matter to the Court as the most appropriate body to investigate such crimes.

**Report of the Secretary-General (February).** In his 4 February report [S/2005/68], the Secretary-General said that the past six months had seen the Government of the Sudan progressively implement some of the elements of its obligations in the security, human rights, humanitarian and political spheres. However, that progress had been neither steady nor even, and some areas had been completely neglected. Fighting in Darfur involving Government forces, the armed movements and militias allied to the Government continued. On the eve of the December 2004 Abuja talks, the Government began a series of offensive operations termed “road clearing”, particularly in southern Darfur. Those operations, which included de facto coordination with militia, involved clearing, burning of villages and looting. In January 2005, the authorities informed the United Nations and its partners that it intended to launch a similar operation in northern Darfur. Responding to UN concerns, the Government postponed or suspended the “clearing” provided the AU carried out road patrols. Operations resumed in mid-January, coinciding with militia attacks, such as those on Hamada village on 13 January and on Gereida and Shangil Tobai on 26 January.

Concerning human rights, the report of the Commission of Inquiry to Investigate Alleged Human Rights Violations Committed by Armed Groups in the Darfur States established by the Government of the Sudan in 2004 was released in January 2005 [S/2005/80]. It stated that serious violations of human rights were committed in the three Darfur States by all parties. However, genocide did not occur and the number of persons killed was exaggerated. Rape and crimes of sexual violence were not widespread or systematic and did not amount to crimes against humanity. The National Commission of Inquiry recommended that judicial investigation committees be established. The President directed that a Judicial Inquiry Committee and an Inventory of Losses and Reparations Committee be formed. The Secretary-General pointed out that the Committee’s report differed substantially from the findings of the International Commission of Inquiry (see p. 323) regarding the scale and systematic nature of the crimes committed and the responsibility of the Government of the Sudan.

The Secretary-General suggested that future talks in the Abuja process de-link security and humanitarian issues from political ones, allowing the parties to focus their attention on designing the implementing institutions that would follow an agreement.

**N’Djamena Joint Commission meeting (February).** The seventh high-level meeting of the Joint Commission met in N’Djamena on 16 and 17 February [S/2005/104]. The meeting, attended by the Presidents of Chad, Gabon, the Democratic Republic of the Congo and the Sudan, the Chairman of the AU Commission, and ministerial representation from Egypt, the Libyan Arab Jamahiriya and Nigeria, and the Secretary-General’s Special Representative, was presented with a report by the Chairman of the Ceasefire Commission detailing ceasefire violations since January. The report faulted the Government and rebels for the violations and criticized the lack of commitment to the Humanitarian Ceasefire Agreement. The Ceasefire Commission made recommendations to the Joint Commission on ways to improve the security situation in Darfur, among which were that the status of AMIS units making up the protection force be upgraded from a company to a battalion; that SLM/A and
JEM unconditionally release to the AU-Ceasefire Commission the locations of their combatants; and that the Government of the Sudan review and resubmit its plan for the disarmament of the armed militia operating in Darfur. The Joint Commission supported the sending of a survey team to Darfur to delineate the areas of control held by the various forces and called upon the AU Peace and Security Council to reinforce its Ceasefire Commission in order to find a solution to the crisis within an African framework. The joint commission also called for the rapid resumption of the next round of peace talks.

**Sudan’s proposals on Darfur.** On 25 February [S/2005/128], Sudan transmitted to the Security Council President Al-Bashir proposals on the situation in Darfur to the February N'Djamena Summit (above). Those proposals centred on expediting the negotiation process, enhancing the security situation, strengthening the AU mission, and improving the humanitarian situation and the political dialogue. Among his main proposals, President Al-Bashir suggested that negotiations in Abuja, Nigeria, resume before the end of February, with representation from the two rebel movements. Believing that the best way to address the security situation was to identify the active armed elements in Darfur so that responsibility could be accurately determined, he called for the adoption of criterion for doing so, which he had proposed. He also informed that Government forces had suspended all attacks and had been directed to exercise utmost restraint. The Government had also withdrawn its air bombers from Darfur and demobilized 30 per cent of the Popular Defence Forces (PDF) (paramilitary forces mobilized when there was a threat to national security) and proposed demobilizing a further 20 per cent. The demobilization would come to a zero level when the rebels started implementing fully their commitments. He also proposed measures for dealing with the armed civilians among the tribes, strengthening the role of the Ceasefire Commission, and for strengthening humanitarian access.

The President believed that the Comprehensive Peace Agreement provided the basis for settling the Sudan, political and economic problems and was committed to a final settlement based on the principles set out in the Agreement.

**AU mediation team.** On 1 March, [S/2005/139], the Sudan informed the Council President that, as part of efforts to achieve a political solution to the Darfur conflict, an AU mediation team had concluded a three-day visit to the country, during which it held consultations with the Sudanese parties on the best way to rapidly resume the Abuja talks as called for by the AU. At the end of the consultations, the mediation team informed its interlocutors that a draft Framework Protocol on the resolution of the conflict in Darfur would be prepared in the light of the positions expressed by them. The mediation team would hold similar consultations in Nairobi, Kenya and Asmara, Eritrea, with the SLM/A and JEM leaders.

**Report of Secretary-General (March).** Reporting on developments in the Sudan, the Secretary-General, on 4 March [S/2005/140], said that, although there had been fewer clashes in Darfur between the Government and armed movement in February than in previous two months, the security situation remained fragile. SLM/A and Government forces clashed twice in February in northern Darfur. The AU confirmed that the Government had started removing Antonov bombers from El-Fasher and N’Djamena, although it kept its military helicopters in Darfur. Although the Government did not resume the “road clearing” operations, its forces remained in several areas they had occupied during those operations. At the same time, SLM/A forces maintained their presence in nearby locations. Fighting between militia or Janjaweed and rebel groups occurred in February. The Janjaweed attacked SLM/A forces on 2 and 19 February, while a Janjaweed-rebel conflict reportedly took place on 21 February.

In South Darfur, civilians were attacked in villages and on roads, particularly in the east of N’Djamena. Further incidents of rape and sexual violence continued to be reported throughout Darfur. Areas outside many of the displaced persons’ camps remained particularly insecure. There were also reports of arrests by the police of unmarried women in the Mukjar area (West Darfur) who had become pregnant as a result of rape. There was no meaningful investigation into the reported killings of over 100 civilians and the mass rape of over 30 women and girls in the village of Hamada (South Darfur) on 13 and 14 January. Two of the committees established by the Government following the recommendations of the National Committee of Inquiry—the Judicial Inquiry Committee and the Reparations Committee—had begun visiting Darfur states. In terms of humanitarian access, relief agencies had gained access to areas previously closed due to security concerns. However, humanitarian operations continued to be impeded by the continued harassment of workers, including arrests, detention and abduction of national staff, especially in South Darfur, and attacks by armed groups on commercial trucks carrying humanitarian assistance.
The Secretary-General observed that there were no significant advances in searching for a political solution to the crisis in Darfur. The Government had not stopped militia from attacking civilians, while the rebel movements had done little to seize the political opportunities created since the signing of the Agreement. On the ground, their forces harassed the relief workers, fired on AU and WFP helicopters and refused to reveal their positions to the AU Ceasefire Commission. At the political level, the rebel movements appeared to be increasingly divided, resulting in a diminished capacity to engage in serious political negotiations.

The Secretary-General reported that he met with the Chairperson of the AU Commission, Alpha Oumar Konaré, on 28 February, and agreed that an AU-led assessment of peacekeeping requirements in Darfur would be undertaken as a matter of urgency, with the participation of the United Nations and its key partners (see p. 327). He was also sending a UN team to the region to make a full assessment of options for strengthening the peacekeeping presence in Darfur. In the meantime, the international community should not miss the opportunity to strengthen the position of the AU force in Darfur.

Security Council consideration (24 March). At the Security Council’s 24 March meeting [meeting 5153] to consider the reports of the Secretary-General on Darfur, the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guehenno, told the Council that it was clear that the current state of affairs in Darfur was unacceptable. The violence and destruction had to stop, and impunity ended. If the security did not improve quickly, the rape and killings would continue. It had to be made clear to those responsible that they would be held accountable. Humanitarian workers and the AU mission were on the front line of the international community’s response to the Darfur crisis. The Council owed it to them to act with courage and determination.

Imposition of travel ban and assets freeze


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,

Recalling the commitments made by the parties in the N’Djamena ceasefire agreement of 8 April 2004 and the Humanitarian and Security Protocols of 9 November 2004 signed in Abuja between the Government of the Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement, and recalling the commitments made in the joint communique of 3 July 2004 of the Government of the Sudan and the Secretary-General,

Welcoming the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People’s Liberation Movement/Army in Nairobi on 9 January 2005,

Recognizing that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, and calling upon all Sudanese parties, in particular those party to the Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur and to take all necessary action to prevent further violations of human rights and international humanitarian law and to put an end to impunity, including in the Darfur region,

Expressing its utmost concern over the dire consequences of the prolonged conflict for the civilian population in the Darfur region as well as throughout the Sudan, in particular the increase in the number of refugees and internally displaced persons,

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,

Expressing its deep concern for the security of humanitarian workers and their access to populations in need, including refugees, internally displaced persons and other war-affected populations,

Condemning the continued violations of the N’Djamena ceasefire agreement and the Abuja Protocols by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts,

Strongly condemning all violations of human rights and international humanitarian law in the Darfur region, in particular the continuation of violence against civilians and sexual violence against women and girls since the adoption of resolution 1574(2004), urging all parties to take necessary steps to prevent further violations, and expressing its determination to ensure that those responsible for all such violations are identified and brought to justice without delay,

Recognizing that international support for implementation of the Comprehensive Peace Agreement is critically important to its success, emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance, and alarmed that the violence in Darfur nonetheless continues,

Recalling the demands, in resolutions 1556(2004), 1564(2004) and 1574(2004), that all parties to the conflict in Darfur refrain from any violence against civilians and cooperate fully with the African Union mission in Darfur,
Welcoming the N’Djamena summit on Darfur held on 16 February 2005 and the continued commitment of the African Union to play a key role in facilitating a resolution to the conflict in Darfur in all respects, and the announcement by the Government of the Sudan on 16 February 2005 that it would take immediate steps, including withdrawal of its forces from Labado, Qarifla, and Mârla in Darfur, and the withdrawal of its Antonov aircraft from Darfur,

Commending the efforts of the African Union, in particular its Chairman, acknowledging the progress made by the African Union in the deployment of an international protection force, police and military observers, and calling upon all Member States to contribute generously and urgently to the African Union mission in Darfur,


Taking note of the reports of the Secretary-General of 3 December 2004, 31 January 2005, 4 February 2005 and 4 March 2005, as well as the report of 25 January 2005 of the International Commission of Inquiry for Darfur,

Determining that the situation in the Sudan continues to constitute a threat to international peace and security,

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

1. Strongly deplores the fact that the Government of the Sudan and rebel forces and all other armed groups in Darfur have failed to comply fully with their commitments and the demands of the Security Council referred to in resolutions 1556(2004), 1564(2004), 1578(2004) and 1579(2004), condemns the continued violations of the N’Djamena ceasefire agreement and the Abuja Protocols, including air strikes by the Government of the Sudan in December 2004 and January 2005 and rebel attacks on Darfur villages in January 2005, and the failure of the Government of the Sudan to disarm Janjaweed militiamen and apprehend and bring to justice Janjaweed leaders and their associates who have committed violations of human rights and international humanitarian law and other atrocities, and demands that all parties take immediate steps to fulfill all their commitments to respect the N’Djamena ceasefire agreement and the Abuja Protocols, including notification of force positions, to facilitate humanitarian assistance, and to cooperate fully with the African Union mission;

2. Emphasizes that there can be no military solution to the conflict in Darfur, and calls upon the Government of the Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudan Liberation Movement/Army to resume the Abuja talks rapidly, without preconditions, and negotiate in good faith to speedily reach agreement, and urges the parties to the Comprehensive Peace Agreement to play an active and constructive role in support of the Abuja talks and take immediate steps to support a peaceful settlement to the conflict in Darfur;

3. Decides, in the light of the failure of all parties to the conflict in Darfur to fulfil their commitments:

(a) To establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Council consisting of all the members of the Council (hereinafter "the Committee") to undertake the following tasks:

(i) To monitor implementation of the measures referred to in subparagraphs (d) and (e) of the present paragraph and paragraphs 7 and 8 of resolution 1556(2004), and paragraph 7 below;

(ii) To designate those individuals subject to the measures imposed by subparagraphs (d) and (e) of the present paragraph and to consider requests for exemptions in accordance with subparagraphs (f) and (g) of the present paragraph;

(iii) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed by subparagraphs (d) and (e) of the present paragraph;

(iv) To report at least every ninety days to the Council on its work;

(v) To consider requests from and, as appropriate, provide prior approval to the Government of the Sudan for the movement of military equipment and supplies into the Darfur region in accordance with paragraph 7 below;

(vi) To assess reports from the panel of experts established under subparagraph (b) of the present paragraph, and Member States, in particular those in the region, on specific steps they are taking to implement the measures imposed by subparagraphs (d) and (e) of the present paragraph and paragraph 7 below;

(vii) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(b) To request the Secretary-General, in consultation with the Committee, to appoint for a period of six months, within thirty days of adoption of the present resolution, a panel of experts comprised of four members and based in Addis Ababa to travel regularly to El-Fasher and other locations in the Sudan, and to operate under the direction of the Committee to undertake the following tasks:

(i) To assist the Committee in monitoring implementation of the measures in subparagraphs (d) and (e) of the present paragraph, paragraphs 7 and 8 of resolution 1556(2004), and paragraph 7 below, and to make recommendations to the Committee on actions the Council may want to consider;

(ii) To provide a midterm briefing on its work to the Committee and an interim report no later than ninety days after adoption of the present resolution, and a final report no later than thirty days prior to termination of its mandate to the Committee through the Committee with its findings and recommendations; and
(iii) To coordinate its activities as appropriate with ongoing operations of the African Union Mission in the Sudan;

(c) That those individuals, as designated by the Committee established by subparagraph (a) of the present paragraph, based on the information provided by Member States, the Secretary-General, the United Nations High Commissioner for Human Rights or the Panel of Experts established under subparagraph (b) of the present paragraph, and other relevant sources, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556(2004) and paragraph 7 below as implemented by a State, or are responsible for offensive military overflights described in paragraph 6 below, shall be subject to the measures identified in subparagraph (e) of the present paragraph;

(d) That all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to subparagraph (c) of the present paragraph, provided that nothing in the present subparagraph shall obligate a State to refuse entry into its territory to its own nationals;

(e) That all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) of the present paragraph, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides also that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities;

(f) That the measures imposed by subparagraph (d) of the present paragraph shall not apply where the Committee established by subparagraph (a) of the present paragraph determines on a case by case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the Council’s resolutions for the creation of peace and stability in the Sudan and the region;

(g) That the measures imposed by subparagraph (e) of the present paragraph do not apply to funds, other financial assets and economic resources:

(i) 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 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 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;

(ii) 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

(iii) That have been determined by relevant States to be the subject of a judicial, administrative, arbitral lien or judgment, in which case the funds or other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant States to the Committee;

4. Decides also that the measures referred to in subparagraphs 3 (d) and (e) above shall enter into force thirty days from the date of adoption of the present resolution, unless the Council determines before then that the parties to the conflict in Darfur have complied with all the commitments and demands referred to in paragraph 1 above and paragraph 6 below;

5. Expresses its readiness to consider the modification or termination of the measures under paragraph 3 above, on the recommendation of the Committee or at the end of a period of twelve months from the date of adoption of the present resolution, or earlier if the Council determines before then that the parties to the conflict in Darfur have complied with all the commitments and demands referred to in paragraph 1 above and paragraph 6 below;

6. Demands that the Government of the Sudan, in accordance with its commitments under the N’Djamena ceasefire agreement and the Abuja Security Protocol, immediately cease conducting offensive military flights in and over the Darfur region, and invites the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the Secretary-General, the Committee, or the Panel of Experts established under paragraph 3 (b) above;

7. Reaffirms the measures imposed by paragraphs 7 and 8 of resolution 1556(2004) and decides that these measures shall, immediately upon adoption of the present resolution, also apply to all the parties to the N’Djamena ceasefire agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur; decides that these measures shall not apply to the supplies and related technical training and assistance listed in paragraph 9 of resolution 1556(2004); decides also that these measures shall not apply with respect to assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement; decides further that these measures shall not apply to movements of military equipment and supplies into the Darfur region that are approved in advance by the Committee established under paragraph 3 (a) above upon a request by the Government of the Sudan; and invites the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the
Secretary-General, the Committee or the Panel of Experts established under paragraph 3 (b) above;

8. **Retires** that, in the event the parties fail to fulfill their commitments and demands as outlined in paragraphs 1 and 6 above, and the situation in Darfur continues to deteriorate, the Council will consider further measures as provided for in Article 41 of the Charter of the United Nations;

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

**RECORDED VOTE ON RESOLUTION 1591:**

In favour: Argentina, Benin, Brazil, Denmark, France, Greece, Japan, Philippines, Romania, United Kingdom, United Republic of Tanzania, United States.

Against: None.

Abstaining: Algeria, China, Russian Federation.

Algeria, in its explanation of vote, said that, while it supported the approach to send a strong message to the parties to respect their commitments, it had, with other delegations, made proposals to “rebalance” the text, which were in line with the position of the African Group. It had doubts concerning the relevance and usefulness of certain of the resolution’s measures. Also, the resolution did not take into consideration the early signs of a trend towards both parties respecting the ceasefire. It regretted that efforts were not made to promote a consensus.

The Russian Federation said that it was unable to support the draft resolution because it was not convinced that the potential political and diplomatic measures to defuse the conflict in Darfur had been exhausted, especially at the beginning of the deployment of a UN peacekeeping operation in the south of the Sudan. It was important to give the Government of National Unity of the Sudan time to show itself in a positive light, including with regard to Darfur.

China said that it had serious reservations about the resolution. While Council resolution 1590(2005) of 24 March (see p. 305) authorizing the deployment of a peacekeeping operation in southern Sudan would help the Sudanese people achieve peace and stability, just maintaining the pressure without regard to the complexity of the Darfur crisis could end up further complicating the situation and would not help efforts to find a political solution. China had always taken a cautious approach to sanctions and had repeatedly stressed that the Council should exercise great caution with respect to “measures” that could make negotiations more difficult and had a negative impact on the peace process.

The United Republic of Tanzania regretted that the situation in Darfur compelled the adoption of the resolution, after months of waiting for the Abuja peace process to resume. That process remained stalled and there was no significant improvement on the ground with regard to the humanitarian situation. It appealed to all parties to respond to the Council’s and the international community’s concerns by making a bold and decisive move towards peace in Darfur before the measures adopted became effective. The Council should review those measures as soon as the new Government was in place.

The Sudan said that, while it did not deny that the Council should address the situation in the Sudan and the events in Darfur, its unwise resolutions might make the situation worse. The Council talked about supporting the AU, but its resolution would complicate the situation both for the AU and on the ground. The sponsors of the draft resolution refused to show flexibility to reach a consensus, justified by reference to a resolution of the United States Congress, which, according to the Sudan, did not know the history and culture of the country and went against Africa’s position.

The United States said that the resolution was adopted by 12 Council members, including two African States, and that the members of the United States Congress cared deeply about Darfur and many of them had gone there and had first-hand experience working with some of the NGOs in the area. The United States hoped that the resolution would contribute to an end to the violence in Darfur and to a successful resolution of the Abuja peace process.

**Note by Security Council President.** On 5 May [S/2005/297], the Council President informed that, following consultations among its members on 29 April and 4 May, the Council elected Mr. Adamantios Th. Vassilakis (Greece) as the Chairman of the Security Council Committee concerning the Sudan, established pursuant to resolution 1591(2005), for a period ending 31 December 2005, and two Vice-Chairmen from Argentina and the Philippines.

On 30 June [S/2005/428], the Secretary-General informed the Council President of the appointment of the four members to serve on the Panel of Experts to be established in accordance with paragraph 3 of Council resolution 1591(2005).

**SECURITY COUNCIL ACTION (December)**


**The Security Council,**

Recalling its previous resolutions concerning the situation in the Sudan, in particular resolutions 1556 (2004) of 30 July 2004 and 1591(2005) of 29 March 2005, and the statements by its President concerning the Sudan,

Stressing its firm commitment to the cause of peace throughout the Sudan, including through the African Union-led inter-Sudanese peace talks in Abuja (“Abuja Talks”), full implementation of the Compre-
Urging all parties to the Abuja Talks to reach without further delay an agreement that will establish a basis for peace, reconciliation, stability and justice in the Sudan,

Recalling the midterm briefing of 7 October 2005 by the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (b) of resolution 1591 (2005), and anticipating the receipt of its final report,

Emphasizing the need to respect the provisions of the Charter of the United Nations concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

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 cooperation in the relations among States in the region,

Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter,

1. Decides to extend the mandate of the Panel of Experts appointed pursuant to resolution 1591 (2005) until 29 March 2006, and requests the Secretary-General to take the necessary administrative measures;

2. Requests the Panel of Experts to report and make recommendations to the Security Council, through the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005), prior to the termination of its mandate, on the implementation of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) and paragraphs 3, 6 and 7 of resolution 1591 (2005);

3. Decides to remain actively seized of the matter.

Report of International Commission of Inquiry

On 31 January 2005, the Secretary-General transmitted the report of the five-member Commission of Inquiry, established pursuant to Security Council resolution 1556 (2004) [YUN 2004, p. 215], on the violations of international humanitarian law and human rights law in Darfur.

The Commission, headed by Antonio Cassese (Italy), was mandated to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties; determine whether or not acts of genocide had occurred; and name the perpetrators with a view to ensuring that they were held accountable. The Commission, which visited the Sudan from 8 to 20 November 2004 and from 9 to 16 January 2005, held extensive meetings with representatives of the Government, the Governors of the Darfur states and other senior officials in the capital and at the provincial and local levels, internally displaced persons, victims and witnesses of violations, NGOs and UN representatives.

Based on its investigations, the Commission established that the Government of the Sudan and the Janjaweed were responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. In particular, Government forces and militias conducted indiscriminate attacks, including the killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur. Those acts were conducted on a widespread and systematic basis and might amount to crimes against humanity.

Government officials stated that any attacks carried out by their armed forces in Darfur were for counter-insurgency purposes and conducted on the basis of military imperatives. However, the findings revealed that most attacks were deliberately and indiscriminately directed against civilians. While it did not find a systematic or a widespread pattern to those violations, it found credible evidence that rebel forces, namely, SLA members and JEM, also were responsible for serious violations of international human rights and humanitarian law which might amount to war crimes.

The Commission concluded that the Government of the Sudan had not pursued a policy of genocide. The crucial element of genocidal intent appeared to be missing, at least as far as the central Government authorities were concerned. The policy of attacking, killing and forcibly displacing members of some tribes did not evince a specific intent to annihilate, in whole or in part, a group distinguished on racial, ethnic, national or religious grounds. Rather, it seemed that those who planned and organized attacks on villages pursued the intent to drive the victims from their homes, primarily for purposes of counter-insurgency warfare. That conclusion should not be taken in any way as detracting from the gravity of the crimes perpetrated in that region. Those identified as possibly responsible for those violations consisted of individual perpetrators, including Government officials, members of militia forces, members of rebel groups, and certain foreign army officers acting in their personal capacity. Some Government officials, as well as militia forces, had also been named as possibly responsible for joint criminal enterprise to commit international crimes, and others of involvement in planning and/or ordering the commission of such crimes, or in aiding and abetting them. The Commission would list the names of those persons in a sealed file to be placed in the Secretary-General’s custody, with the recommendation that it be handed over to the International Criminal Court (ICC). The evidentiary material collected...
would be handed over to the United Nations High Commissioner for Human Rights.

The Commission recommended that the Council immediately refer the Darfur situation to ICC, as the alleged crimes documented in Darfur met the thresholds of article 13(b) of the Rome Statute establishing the Court [YUN 1998, p. 1209]. The Sudanese justice system was unable and unwilling to address the situation in Darfur, which had been significantly weakened during the last decade. The measures taken so far by the Government to address the crisis had been both grossly inadequate and ineffective, which contributed to the climate of almost total impunity for human rights violations in Darfur.

It also recommended the establishment of a Compensation Commission to grant reparation to the victims, whether or not the perpetrators of such crimes had been identified. It urged the Sudanese Government to undertake a number of measures, including ending impunity for war crimes and crimes against humanity committed in Darfur; strengthening the independence and impartiality of the judiciary; empowering courts to address human rights violations; granting full and unimpeded access by the International Committee of the Red Cross (ICRC) and UN human rights monitors to all those detained in relation to the situation in Darfur; ensuring the protection of all victims and witnesses; enhancing the capacity of the Sudanese judiciary through training; respecting the rights of internally displaced persons and fully implementing the Guiding Principles on Internal Displacement; fully cooperating with relevant UN and AU human rights bodies and mechanisms; and creating a truth and reconciliation commission once peace was established in Darfur.

The Commission also recommended the re-establishment by the Commission on Human Rights of the mandate of the Special Rapporteur on human rights in the Sudan, and public and periodic reports on the human rights situation in Darfur by the High Commissioner for Human Rights.

Communications. On 10 February [S/2005/77], the Sudan, in its response to the Commission’s report, said that it had grave reservations as to the Commission’s methodology for preparing its report and reaching conclusions, particularly the definition of the “Janjaweed” phenomenon. It was concerned with the judicial standards of evidence. In addition, despite evidence to the contrary, the Commission nonetheless held the Government responsible for attacks perpetrated by armed groups outside of its control. The Government strongly objected to the Commission’s recommendations that the Darfur issue be referred to ICC. It said it doubted the accuracy of many of the Commission’s findings and that its judicial system was competent to bring the perpetrators of human rights abuse and violations to justice.

On 18 February [S/2005/100], the Sudan complained about the non-circulation of the report of its National Commission of Inquiry (see p. 317) transmitted to the Council President on 23 January for circulation to Council members.

Security Council Consideration (February). The Security Council, on 16 February [meeting 5125], considered the report of the International Commission of Inquiry (see above). The Secretary-General told the Council that the call to urgent action in Darfur did not stop at the Commission’s recommendation for referring the situation there to ICC, for the attacks on villages, the killing of civilians, rape, pillaging and forced displacement continued in Darfur. The international community, led by the Council, had to find a way to halt the killing and protect the vulnerable through a full range of options, including targeted sanctions, stronger peacekeeping efforts, new measures to protect civilians and increased pressure on both sides for a lasting political solution.

The United Nations High Commissioner for Human Rights, Louise Arbour, said the Commission’s recommendations provided a blueprint for action. Their implementation would not only do justice for the victims of the massive crimes committed, but might actually contribute to reducing the exposure of thousands of prospective victims. Any new initiative proposed by the Government of the Sudan to address those crimes could not be supported in the light of the Commission’s conclusions, especially the extent of involvement of Government officials.

Further communication (March). On 22 March [S/2005/86], Switzerland urged Council members to refer the situation in Darfur to ICC, as recommended by the International Commission of Inquiry on Darfur.

Referral of Darfur situation to ICC

SECURITY COUNCIL ACTION


The Security Council,

Taking note of the report of the International Commission of Inquiry for Darfur on violations of international humanitarian law and human rights law in Darfur,

Recalling article 16 of the Rome Statute of the International Criminal Court, under which no investigation
or prosecution may be commenced or proceeded with by the International Criminal Court for a period of twelve months after a Security Council request to that effect,

Also recalling articles 75 and 79 of the Rome Statute, and encouraging States to contribute to the International Criminal Court’s Trust Fund for Victims,

Taking note of the existence of agreements referred to in article 98, paragraph 2, of the Rome Statute,

Determining that the situation in the Sudan continues to constitute a threat to international peace and security,

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

1. Decides to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;

2. Decides also that the Government of the Sudan and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor pursuant to the present resolution and, while recognizing that States not party to the Rome Statute of the Court have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully;

3. Invites the Court and the African Union to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;

4. Encourages the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur;

5. Emphasizes the need to promote healing and reconciliation, and encourages in this respect the creation of institutions, involving all sectors of Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary;

6. Decides that nationals, current or former officials or personnel from a contributing State outside the Sudan which is not a party to the Rome Statute shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in the Sudan established or authorized by the Security Council or the African Union, unless such exclusive jurisdiction has been expressly waived by that contributing State;

7. Recognizes that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

8. Invites the Prosecutor to address the Council within three months of the date of adoption of the present resolution and every six months thereafter on actions taken pursuant to the present resolution;

9. Decides to remain seized of the matter.

RECORDED VOTE ON RESOLUTION 1593:

In favour: Argentina, Benin, Denmark, France, Greece, Japan, Philippines, Romania, Russian Federation, United Kingdom, United Republic of Tanzania.

Against: None.

Abstaining: Algeria, Brazil, China, United States.

The United States, in an explanation of vote, said that it strongly supported the bringing to justice of those responsible for the crimes and atrocities that had occurred in Darfur and ending the climate of impunity there, but could not agree to referring the Darfur situation to ICC because of its continuing fundamental objection to the view that ICC should exercise jurisdiction over the nationals, including government officials, of States not party to the Rome Statute. It had not dropped, and indeed continued to maintain its long-standing objection and concerns regarding ICC.

Algeria said that the process of fighting impunity was a crucial element for peace and stability and should aim at restoring harmonious relations between the populations of Darfur and serve the cause of peace. Algeria believed that the AU was best placed to take charge of that delicate and sensitive undertaking of satisfying the requirements for peace without sacrificing the requirements for justice. It regretted that the Council had declined to consider Nigerian President Obasanjo’s proposal for reconciling those two fundamental requirements.

China stated that it would prefer to see perpetrators of gross violations of human rights stand trial in the Sudanese judicial system, which had recently taken legal action against a number of individuals involved. China was not a party to the Rome Statute and was not in favour of referring the question of Darfur to ICC without the consent of the Sudanese Government since that would only complicate efforts to secure an early settlement of the Darfur issue and have unforeseeable consequences for the north-south peace process.

The United Kingdom welcomed the Council’s decision, which it considered the most efficient and effective means available to deal with impunity and to ensure justice for the people of Darfur.

Brazil said that, while it supported referring the Darfur situation to ICC, the number of substantial issues raised would not contribute to the strengthening of ICC. Brazil had consistently rejected initiatives to extend exemptions of certain categories of individuals from ICC jurisdiction and it maintained its position to prevent efforts that might dismantle the achievements reached in international justice.
Establishment of special criminal court on Darfur

On 18 June [S/2005/405], the Sudan, in a press release of the same date, informed the Security Council President that, on 7 June, the Chief Justice had issued a decree establishing the Special Criminal Court on the Events in Darfur. The Chief Justice, with other judges and the Deputy Minister of Justice, had visited the three Darfur states the previous week to assess the performance of the judiciary and the judicial system and to address reports of attacks against persons, property and honour in those states. He had therefore decided to establish the Court to examine those reports and any report transmitted to the investigation committees, whose establishment had been recommended by Sudan’s Commission of Inquiry to Investigate Alleged Human Rights Violations Committed by Armed Groups in the Darfur States (see p. 317).

The Court would be headed by an experienced Supreme Court judge and composed of judges of the Court of Appeal, including a woman judge, given the nature of some of the reports. Appeals would be heard by a special court of appeal to be set up by the Chief Justice.

Further developments in Darfur

Report of Secretary-General on Darfur (April). The Secretary-General, in an April report on Darfur [S/2005/240], said that the positive trends that were evident in February stalled, as a result of violent confrontations between the rebel movements and Government forces, who were operating jointly with armed tribal militia. Attacks and threats against humanitarian workers and supplies remained a major concern, as well as attacks on the AMIS, SLM/A and JEM fought with the Government army and Janjaweed on at least seven occasions, the most recent on 26 March, when Government troops and tribal militias attacked SLM/A positions in western Darfur.

The third, and least active armed rebel group in Darfur, the National Movement for Reform and Development (NMRD), also fought Government forces in that region. The fighting resulted in an undetermined number of casualties, including civilians.

The increased intensity of the fighting in West Darfur raised concerns that the Government was still trying to control the Jebel Moon and Jebel Marra regions, despite the human cost of such a campaign into the heart of rebel territory. Reports continued to be received of Janjaweed and SLM/A attacks on civilians. At the same time, security in the camps for internally displaced persons remained unstable. Kalma camp saw continued harassment and intimidation, as well as random shootings by the police. The gravity of sexual and gender-based violence in Darfur was highlighted in a report released on 8 May by the NGO, Médecins sans frontières, which said it had treated some 500 rape victims between October 2004 and February 2005. On 6 March, the establishment of a committee to combat sexual violence was announced by a Governor’s decree. The United Nations had raised questions about the committee’s mandate, but agreed to participate in its work as an observer to bring concerns to the committee’s attention and advise on improving response, should the mandate be amended.

Meanwhile, the AU continued its efforts with the parties to the Darfur conflict in search of a framework for a political settlement. A draft framework agreement prepared by the mediation team was being reviewed by the parties. The Special Representative held talks with them, including the rebel movements, on assisting the AU peace process. Earlier, he had travelled to Asmara to meet with the leadership of Eritrea, SLM/A and JEM. That meeting revealed a strong consensus that the Abuja peace process remained a primary forum for negotiations and participants repeated their stated position that the judicial process called for by the International Commission of Inquiry (see p. 324) should move forward in advance or in step with the political negotiations. On 27 March, the Special Representative met with the Sudan’s First Vice-President to discuss the Asmara meetings and the peace process generally. The Secretary-General discussed with the AU Commission Chairman, Alpha Oumar Konaré, steps to strengthen AMIS-UNMIS cooperation.

Report of Secretary-General (May). On 10 May [S/2005/305], the Secretary-General reported that during April, troop movements and the illegal occupation of new positions increased, as did harassment, burning of unoccupied villages, kidnapping, banditry, including carjacking, armed robbery and theft of livestock, attacks on civilians and rape by militia. Reports also suggested that the Government had tried to restrain its Popular Defence Forces militia and prevent criminal acts by issuing warnings and arresting perpetrators. Those efforts were inadequate, however, judging by the widespread reports of abuse by those groups in much of the non-rebel-held areas of Darfur.

Most of the militia activities involved small bands targeting civilians and internally displaced persons. However, on 7 April, a militia of the Missiriya tribe carried out the most serious attack since the sacking of Hamada in January. A militia under the command of Nasir Al-Tijani Adel Kaadir carried out a day-long raid of Khor...
Abeche in southern Darfur in retaliation for an earlier incident in which 10 members of the Missiriya people were killed and cattle stolen by SLA elements. In a joint statement, the AU and the United Nations determined that, pursuant to resolution 1591(2005), the name of Nasir Al-Tijani Adel Kaadir and his identified collaborators would be passed on to the relevant sanctions committee. Prior to the attacks, approximately 7,000 displaced persons were registered in Khor Abeche, a town with a population of about 3,000. After the AU assessment, the village had been substantially burned and looted and practically all of the population had fled. The Wali of South Darfur established a committee to investigate the attack and announce its findings within 15 days.

SLA and JEM carried out attacks on police and militia in April and continued to take commercial, private and NGO vehicles at gunpoint to be converted into battlefield platforms, on a scale that suggested that those acts were approved by their leadership.

Enhancing the AU Mission in the Sudan

AU Mission in the Sudan. In May [S/2005/285], the Secretary-General submitted, pursuant to Security Council resolution 1590(2005), a report on UN assistance to AMIS. He said that, in response to that resolution, he met with the AU Commission Chairperson on 28 February, and they agreed to dispatch a mission to Darfur to assess the security situation and AMIS deployment, consider requirements for enhancing peace support in Darfur, and explore UNMIS options for reinforcing AMIS, in particular in the areas of logistical support and technical assistance.

The mission (10-22 March and 1-4 May), led by the AU, and including the United Nations, the EU and the United States, assessed that since AMIS had been effective in the areas where it was deployed, it needed to be strengthened. That was to take place in two phases: phase I would allow AMIS to reach its full operational capability within its authorized strength of 3,320, by May; and phase II, involving deployments from June to August, would expand AMIS personnel to 7,447, including 5,887 military personnel and 1,560 police, plus civilian staff. That phase would entail improved compliance with the N’Djamena Humanitarian Ceasefire Agreement and the Abuja humanitarian and security protocols, providing a secure environment for internally displaced persons in and around camps and those not yet displaced to permit humanitarian access.

A phase III, involving a complex, multidimensional operation of more than 12,000 military and police personnel, was also envisaged to provide a secure environment throughout Darfur to permit the return of displaced persons. A decision on that phase would be made in September.

On 28 April, the AU Peace and Security Council, in a communiqué on the enhancement of AMIS, decided to increase its strength to 6,171 military personnel, with an appropriate civilian component, including up to 1,560 civilian police. It appealed to all AU partners to continue providing support to meet the requirements for the strengthening and sustainment of AMIS. At the Secretary-General’s request, his Special Adviser, Lakhdar Brahimi, in a meeting with the AU Commission Chairperson, following the AU Peace and Security Council meeting, agreed that the two organizations should discuss ways in which the United Nations could assist with military and logistics planning, in appealing for funding for AMIS expansion, and in organizing and co-hosting a pledging conference to mobilize resources for that purpose.

The Secretary-General said that, while the assistance UNMIS could provide at that stage was limited, because of its focus on implementing the Comprehensive Peace Agreement, the United Nations and UNMIS could: assist in identifying qualified police personnel in support of completing phase I; assist the AU to develop a detailed operational plan for AMIS expansion; provide technical advice in logistics, planning and management; and provide training support for AU personnel in selecting police personnel for phase II and in convening troop contributor, and pledging conferences.

The Secretary-General observed that AMIS had been a groundbreaking initiative for the AU and its supporters within the international community. The Mission had accomplished a remarkable amount in a very short time, despite significant constraints. It was critical for all concerned to do their part. The Secretary-General recommended that AU States members identify personnel to join AMIS, the AU Commission strengthen planning and management capacity in order to support an expanded mission, and partners provide the AU with the means to carry out a costly and challenging task.

SECURITY COUNCIL ACTION

On 12 May [meeting 377], following consultations among Security Council members, the President made statement S/PRST/2005/18 on behalf of the Council:

The Security Council welcomes the report of the Secretary-General of 3 May 2005 on assistance by the United Nations Mission in the Sudan to the African Union Mission in the Sudan and the proposals.
the Secretary-General to consult closely with the African Union, the United Nations and other partners. The Council also supports the subsequent decision taken by the Peace and Security Council of the African Union on 28 April 2005 to expand its mission in Darfur to 7,731 personnel by the end of September 2005.

The Council welcomes the ongoing deployment of the United Nations Mission in the Sudan and looks forward to close coordination and cooperation between the Mission and the African Union Mission in the Sudan. In this context, the Council recalls its request in resolution 1590(2005) for the United Nations Mission in the Sudan to closely and continuously liaise and coordinate, at all levels, with the African Union Mission in the Sudan with a view towards expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process and the African Union Mission in the Sudan.

The Council welcomes the role played by the African Union’s partners in support of the African Union Mission in the Sudan and underlines the active role played by the European Union and other bilateral donors.

The Council emphasizes the importance of increased coordinated international assistance for the African Union effort in Darfur and emphasises the readiness of the United Nations to continue playing a key role. In this context, the Council welcomes the second joint assessment mission from 1 to 4 May 2005, which included representatives from the African Union, the United Nations and other partners. The Council looks forward to continuing contacts in order to facilitate provision of assistance as requested by the African Union. The Council welcomes, in this regard, the effort and intention of the Secretary-General to consult closely with the African Union on the scope and nature of possible United Nations support to the African Union Mission in the Sudan.

Developments in Darfur between May and June

Report of Secretary-General on Darfur (May). On 10 May [S/2005/305], the Secretary-General said that, while there had been comparatively few systematic attacks in April, troop movements and illegal occupation of new positions increased, as had harassment, burning of unoccupied villages, kidnapping, banditry, attacks on civilians and rape by the militia. The border area of western Darfur saw an elevated level of military activity due to the movement of armed groups across the border with Chad. The non-fatal shooting of a Chadian consul en route from the border to Geneina, on 16 April, added to the tensions.

As to the Darfur political process, the AU focused its efforts on garnering the support of the parties for its proposed draft framework protocol for the resolution of conflict in Darfur. An AU negotiating team travelled to Khartoum to discuss the draft protocol with Government officials, including the Vice-President. It also contacted representatives of the armed movements. However, because of a lack of confidence between them, the parties refrained from taking a clear position on the proposed draft framework protocol.

Meanwhile, following the adoption of Security Council resolutions 1591(2005) and 1593(2005), tension in the Darfur states and Khartoum increased, with the risks of hostile action against the UN and other elements of the international presence in Darfur. The Secretary-General urged the Government to make clear its acceptance of all recent resolutions relating to the Sudan and Darfur, and to ensure that a cooperative policy was reflected at all levels.

Report of Secretary-General (June). The Secretary-General visited Darfur in May, where he found that the security situation had improved and the overall violence against civilians had dropped in comparison to the 2004 levels. According to his June report [S/2005/378], the trend was, however, not entirely positive, as increased fighting was reported between the Government and SLM/A forces. The Government forces were on the defensive, in most cases, as rebel movements conducted small-scale attacks against Government convoys or small units of army or police personnel.

Meanwhile, the Jebel Marra area had become inaccessible to relief operations, as insecurity and the rains made the road to most localities in rebel-held areas unsafe. In northern Darfur, SLA ambushed several convoys and vehicles engaged in humanitarian work along the Kabbabiya-El-Fasher-road, while in southern Darfur, insecurity and banditry on the Ed Daein-Nyala road seriously hampered access for humanitarian relief operations.

The AU announced that the next round of the Darfur peace talks was to resume in Abuja, Nigeria, on 10 June and the appointment of Salim A. Salim as its Special Envoy for the Inter-Sudanese Peace Talks on Darfur. The Sudanese leaders had assured the Secretary-General during his visit to Darfur that the Naivasha Agreement [YUN 2004, p. 236] would serve as the model and framework for an agreement in Darfur, with arrangements for power and wealth-sharing, a land commission and a reconciliation process. He urged the Government to commence an effective programme of disarmament and demobilization of
the tribal militias that continued to terrorize the civilian population of Darfur.

Joint Implementation Mechanism missions to Darfur

The Joint Implementation Mechanism, established to oversee implementation of the terms of the 3 July 2004 communiqué [YUN 2004, p. 239] signed by the United Nations and the Government of the Sudan, undertook three missions to Darfur (western Darfur (15-16 June) and northern and southern Darfur (22-23 June) to evaluate their compliance with it. The Mechanism’s report, annexed to the Secretary-General’s July report on Darfur [S/2005/407], examined humanitarian issues, human rights, security and political issues.

The missions found that the overall situation in Darfur had improved considerably since the signing of the joint communiqué in 2004, with progress having been achieved in all areas. However, the remaining obstacles had to be acknowledged and addressed. Substantial gaps in the response of humanitarian assistance still persisted, despite the increase in humanitarian assistance. The number of conflict-affected people in Darfur had risen from 1,090,000 to more than 2,730,000, due in part to the return of internally displaced persons to areas closer to their homes because of localized improvements in security. Assistance also had to be widened to reach affected groups outside the camps. The easing of restrictions on humanitarian operations had resulted in a significant increase in humanitarian presence and delivery, but humanitarian workers still faced difficulties in visa processing, and reports continued to be made of harassment, arbitrary arrests and restrictions on their movement. The provision of humanitarian assistance to internally displaced person in some camps was hampered also by the resistance of local camp leaders to the head count necessary for registration.

Although the Government had taken a number of positive steps in the area of human rights, including cooperation with the international human rights officers that had been deployed, and established a National Judicial Committee to investigate human rights violations in Darfur and a Special Criminal Court for Darfur Crimes, those instruments had not yet contributed to the establishment of accountability for human rights and the ending of impunity.

While the security situation had improved, especially in the camps, it remained volatile and unpredictable. The reported presence of militias around the camps highlighted the need to improve the security environment and not just provide safe havens to which the civilian population could be confined. With respect to disarmament, while some steps had been taken in that regard, the missions found limited indications of a systematic and sustained effort by the authorities to address the disarmament of the Janjaweed and other armed groups.

The missions concluded that, despite the progress, efforts were needed to end the harassment of aid workers in southern Darfur and ensure that the policies adopted at the national and state levels were implemented. More needed to be done to address impunity and the absence of AMIS. Both the civilian police and AMIS troops received strong support from the displaced population, as their limited deployment had helped restore confidence. While recognizing that protecting the population remained the responsibility of the local authorities, cooperation with AMIS would help improve the security situation and offer better protection for internally displaced persons.

Further political and security developments in Darfur

Reports of Secretary-General (August/October). The fifth round of the AU-led Abuja talks aimed at reaching a political agreement between the Government and the two armed movements opened on 10 June, the Secretary-General stated in his July report [S/2005/467]. On 5 July, the three parties agreed on the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, which contained important provisions regarding the shape of future negotiations on matters such as unity, religion, power-sharing, wealth-sharing, security arrangements and land use and ownership. The Declaration of Principles was favourably received in Darfur, the Secretary-General said in his August report on Darfur [S/2005/523]. The third armed movement in Darfur, NMRD, had been quoted as agreeing to abide by the Declaration of Principles when it met the Government in El-Fasher on 19 July. Meanwhile, the Darfur Forum, a broad-based unaffiliated Sudanese civil society organization, in a meeting with the Special Representative in July, argued that the armed movements did not represent all the people of Darfur and sought participation in talks with the Government. The Declaration of Principles provided for the start of comprehensive inter-Darfur dialogue following the Abuja talks to allow the concerns, beyond those of the parties, such as the non-fighting groups and civil society, to be addressed. The Special Representative and his staff were already discussing with such parties the conditions under which such a dialogue would lead to a sustainable peace.
The AU mediator intended to contact the partners in the run-up to the next round of Abuja talks scheduled to start on 24 August to discuss the way forward. At the same time, UNMIS was exploring ways to further support the AU, substantively and technically, through the provision of experts and logistical support for participants attending the talks. Although internal divisions within SLM/A posed a challenge to the next round of talks, the signing of an agreement between SLM/A and JEM in Tripoli, Libyan Arab Jamahiriya, on 18 July, would in some measure help to unify the rebels’ positions on key issues. However, renewed fighting between the Government of the Sudan and SLM/A on 23 July threatened the talks. Although internal divisions between SLM/A and JEM in Tripoli, Libyan Arab Jamahiriya, on 18 July, would in some measure help to unify the rebels’ positions on key issues. However, renewed fighting between the Government of the Sudan and SLM/A on 23 July threatened the talks.

The Special Criminal Court for the events in Darfur began proceedings in August, with four cases before it dealing with rape, armed robbery, illegal possession of firearms and unlawful killing of persons in custody. Two of the cases involved charges brought against members of the Government armed forces and military intelligence. However, none of the cases addressed the major violations of human rights and international humanitarian law, nor the criminal responsibility of senior officials. The Secretary-General expressed concern also that the Special Court had no special procedures in place for protecting minors.

As at 1 July, the number of people needing humanitarian assistance had risen to 3.2 million. Flooding, due to heavy rains, prompted the relocation of internally displaced persons in some camps and emergency intervention to safeguard minimum sanitary conditions in all three Darfur states, and hindered road access to various parts of the region. At a time when humanitarian assistance had to rely increasingly on air operations, funding gaps risked constraining the delivery of that assistance. As to security in the camps, the registration process was violently disrupted on 8 July in seven of the eight camps around Geneina. Violent attacks took place again on 16 July during food distribution in the Mornei camp, with exchanges of fire between armed elements and Government police. On both occasions, there was strong evidence of incitement by sheikhs within the camps, whose manipulation of the ration-card system was threatened by the registration process.

Meanwhile, AMIS continued to take the lead in international efforts to address security concerns in Darfur. The Secretary-General urged major AU partners to fill the funding gap for AMIS and encouraged the AU Commission to establish clear priorities within its budget so that critical needs could be addressed.

Reports of Secretary-General (September/October). In mid-August, the Special Representative resumed his visit to Darfur to continue contacts with SLM/A leaders on the Darfur peace negotiations and to discuss with them the security problems facing humanitarian assistance convoys. During an earlier trip to Darfur, the Special Representative met SLM/A Secretary-General Minni Minawi and several field commanders to discuss some of the problems facing SLM/A. Mr. Minawi requested UN financial, logistical and technical assistance in organizing a conference of the movement’s military and political leadership to clarify its structure. While the Special Representative did not rule out the possibility of such assistance, he emphasized the need for the Abuja negotiations to resume on schedule. Elements of SLM/A sympathetic to Mr. Minawi called for a delay in the Abuja talks in order to convene that conference. While that conference did not take place, it would be important for SLM/A to adopt a unified position for the negotiations, the Secretary-General noted in his September report [S/2005/992].

The sixth round of Inter-Sudanese Peace Talks on Darfur resumed in Abuja on 15 September. The talks opened with technical workshops on power-sharing, wealth-sharing and security (15-21 September) the Secretary-General reported in October [S/2005/650]. At the AU’s request, the United Nations provided air transportation to the talks for some JEM and SLM/A delegates and a group of SLA commanders. Nevertheless, the talks opened with uncertainty regarding the cohesion of the SLM/A delegation and the degree to which SLM/A’s Secretary-General Minawi’s faction was participating.

The workshops and the talks were negatively affected by reports of a Government attack on SLM/A positions in Jebel Marra and near El-Fasher and violence in Shaeria on 19 September (see below). Nonetheless, at the urging of the AU mediator and international partners, all the parties continued to attend the workshops until their conclusion. Negotiations did not begin until the end of September. Internal division within SLM paralysed the talks for one week, during which discussions were limited to procedural matters. Neither SLM faction seemed willing to negotiate substance, despite urgent appeals by the AU mediator and representatives of the international community.

In September, the Secretary-General also reported an alarming deterioration in the security situation in all three Darfur states. The frequency and intensity of the violence committed
by the Sudanese Armed Forces and the Popular Defence Forces, Government-aligned tribal militias and the armed movements, including in particular SLM/A, reached levels unseen since January. In northern Darfur, tribal militia struck villages in a number of locations, including in Shangil Tobayi area, Um Maharek and south of Tawilla town. In southern Darfur, one of the more devastating clashes occurred on 19 September when SLM/A attacked Sudanese Armed Forces positions in and around the village of Shaeria, forcing many civilians to seek shelter outside the town. The Sudanese Armed Forces suffered dozens of casualties and SLM/A made off with quantities of arms, munitions, fuel and other supplies. On 29 September, Government police and Sudanese Armed Forces units entered Tawilla town and the adjacent Dali IDP camp, firing at civilians indiscriminately and without provocation.

The security situation in western Darfur worsened dramatically as well. Banditry and hijacking along roads from Geneina reached such dire levels that all roads leading south, west and east from the town were “off-limits” for UN staff and critical movements could proceed only with authorized armed escorts. Indications showed that local authorities were increasingly unwilling or incapable of controlling the tribal militia and armed gangs operating in the area. The police were often challenged by armed gangs or militia members and did not appear to have the capacity to enforce laws.

While banditry and lawlessness were the primary cause of insecurity in western Darfur, there was also politically motivated violence, with the largest and deadliest of those incidents being the unprowoked attack by tribal militia on the Aro Sharow camp and the villages of Gosmino and Ardiya in the Kubul area of western Darfur near the border with Chad on 28 September. The latest information available indicated that 35 internally displaced persons were killed and 10 wounded in the violence, and over 4,000 forced to flee. The volatile security situation during September also took a toll on international personnel working in Darfur.

Evidence showed that Government forces triggered some of the incidents, and there were clear indications that, in many cases, the tribal militia operated with enabling support from the Government. Those attacks were confirmed by the Head of AMIS, Baba Gana Kingibe, who announced in a press conference on 1 October that the Sudanese Armed Forces had conducted “coordinated offensive operations” with tribal militia on four occasions since 18 September. That assessment was corroborated by evidence gathered from survivors of the militia attacks on villages.

Communications. The EU Presidency, in a 23 September statement [S/2005/639], expressed concern about reports of serious clashes in Darfur, including most recently on the eastern slopes of the Jebel Marra and in Shaeria, South Darfur. It called on all belligerents to reign in their fighters and to ensure their forces respected international law, as well as the N’Djamena Ceasefire Agreement and the Abuja protocols.

The AU Peace and Security Council, in a 10 October communiqué [S/2005/641], expressed concern over the deteriorating security situation throughout Darfur since August. It condemned the killing and abduction of AMIS soldiers and the attacks by SLM/A in Turba on 23 August and on the Government’s military camp in Shaeria on 19 September, and Janjaweed attacks on Tawilla town and its camps on 29 September. The Council welcomed the AU Commission to examine ways to strengthen the mechanisms for effective compliance by the Sudanese parties with all agreements, as well as the decisions of the Ceasefire Commission and the Joint Commission and to submit proposals on the best way forward. It supported the Chairperson’s decision to send a high-level military team to Darfur to assess the situation and make recommendations on how to prevent a recurrence of such incidents. It also decided to bring the situation in Darfur to the attention of the UN Security Council.

On 20 October [S/2005/676], the AU Peace and Security Council extended AMIS mandate for three months until 20 January 2006, and appealed to AU member States and partners to provide financial and logistical support to enable it to execute its mandate.

SECURITY COUNCIL ACTION

On 13 October [meeting 5277], following consultations among Security Council members, the President made statement S/PRST/2005/48 on behalf of the Council:

The Security Council expresses its grave concern at recent reports of an upsurge of violence in Darfur by all sides and insists that all parties strictly abide by the demands and commitments made in the N’Djamena ceasefire agreement of 8 April 2004, the resolutions of the Council and the Abuja Protocols. The Council strongly condemns the attack of 8 October 2005 reported by the Sudan Liberation Movement/Army on personnel of the African Union Mission in the Sudan in Darfur, which killed four Nigerian peacekeepers and two civilian contractors and wounded three others near Menawasha, and the attack of 9 October 2005 reportedly by the Justice and Equality Movement in Tine in Northern Darfur, which resulted in the ambush and detention
of approximately 35 Mission personnel. The Council extends its deepest condolences to the families of those killed.

The Council also condemns the attack of 25 September 2005 in Modaina, Chad, by armed groups coming from the Sudan, which killed 75 people, the majority of them civilians. The Council joins with the African Union in expressing particular outrage at the attack of 19 September 2005 by Darfur rebels against the town of Sheiara, the attack by Janjaweed militias on the camp for displaced persons at Aro Sharow on 28 September 2005, during which 29 people were killed and many more wounded, and the attack on the village of Tawilla by Sudanese government forces on 29 September 2005.

The Council expresses its deep concern at the humanitarian impact that these developments cause and at the restrictions imposed on humanitarian operations in Darfur. The Council insists that restrictions end immediately and strongly urges all parties to ensure unhindered humanitarian access in Darfur.

The Council also expresses its concern that in the report of the Secretary-General of 19 September 2005 it was stated that there had been “no visible effort by the Government [of the Sudan] to disarm the militia or hold them to account in accordance with past agreements and Security Council resolutions [...]. The SLM/A [Sudan Liberation Movement/Army] and the Justice and Equality Movement (JEM) are also failing to abide by the commitments made under past agreements and are doing far too little to control their men under arms.” The Council recalls the obligation undertaken by the Government of the Sudan to disarm and control militias. It demands that the Sudan Liberation Movement/Army, the Justice and Equality Movement and the Government of the Sudan immediately cease violence, comply with the N’djamena ceasefire agreement, end impediments to the peace process and cooperate fully with the African Union Mission in the Sudan. The Council again emphasizes the need to bring to justice those who perpetrate violence.

The Council recalls the provisions of its resolution 591(2005) concerning the Sudan. It urges the African Union to share the results of its investigations into recent attacks with the Council for possible referral to the Sudan sanctions committee in order to assist in the implementation of the provisions of the relevant Council resolutions.

The Council expresses its unequivocal support for the African Union Mission in the Sudan, and recalls that the Government of the Sudan and Darfur rebel movements have to take the necessary steps to facilitate the deployment and effectiveness of the Mission.

The Council remains firmly committed to the cause of peace in all of the Sudan, including through the Abuja talks and through full implementation of the Comprehensive Peace Agreement. It encourages the Government of National Unity and the Darfur rebels to engage in the search for a solution to the Darfur conflict. It urges all parties to make rapid progress at the Abuja talks to conclude a peace agreement without further delay.

Reports of Secretary-General (November/December). In his November report [S/2005/719], the Secretary-General stated that the sixth round of the inter-Sudanese peace talks on Darfur held in Abuja ended on 20 October following weeks of difficult negotiations among the Government, SLM/A and JEM. The parties adopted a joint communiqué, in which they expressed their commitment “to make the next round”, due to start on 21 November, “a decisive one”. The start of the actual negotiations was delayed due to the dispute over the legitimacy of SLM/A representatives to the talks. Both SLM/A Chairman Wahid and Secretary-General Minawi had sent separate lists of delegates to the talks. A group of 10 field commanders, representing different tribal groups, and 3 representatives from Mr. Minawi’s office in Asmara, arrived in Abuja on 25 September, stressing the “neutrality” of their group in the ongoing disagreement between the SLM/A Chairman and Secretary-General and promising to promote unity within the movement. Despite week-long consultations, SLM/A leadership failed to find a compromise. On 29 October, an SLM reconciliation conference was convened in northern Darfur, which was attended by Mr. Minawi but not by Mr. Wahid, who sent a delegation.

Despite the SLM split, the talks started on 3 October, first with the power-sharing commission and later on the wealth-sharing and the security commission. Although negotiations on the three main elements of the talks should have been conducted in parallel, SLM/A and JEM, which formed a united delegation throughout the talks, cited a lack of capacity within the movements to discuss some of them, in particular wealth-sharing. Nevertheless, before the adjournment of the talks, the agenda on wealth-sharing was adopted. Some progress was made on three of nine items on the power-sharing agenda: general principles on power-sharing; human rights and fundamental freedoms; and the criteria and guidelines for power-sharing. Discussions began on the fourth agenda item, the federal system and all levels of Government, although the positions of the two sides still differed considerably. In particular, there were lingering concerns that the movements might continue to withhold their recognition of either the Comprehensive Peace Agreement or the Interim National Constitution on the grounds that they were not party to their negotiation.

The ninth meeting of the Joint Commission, established by the 2004 N’Djamena Protocol, was held in the Chadian capital on 13 and 14 October, the first since February 2005. The meeting took place in parallel to the Abuja talks, and both meetings influenced each other positively. Dur-
ing the meeting, the Government and SLM/A were criticized for significant ceasefire violations and the militia groups for attacks on civilians. The Joint Commission noted that the Government had made no progress in disarming the Janjaweed and that the movements had failed to identify their positions and separate their forces on the ground. It urged the parties to give written indications of their respective positions to the Ceasefire Commission; reiterated its call for the immediate disarmament of the Janjaweed; and urged the Government to present to the joint meeting on Darfur of 105 armoured personnel carriers made available by Canada to AMIS. The Government signalled its readiness to allow only 35 armoured personnel carriers into the region but indicated a willingness to consider the entry of the remaining 70. Finally, it was agreed that the Joint Commission would meet on a regular basis, possibly monthly.

The Secretary-General observed that, to ensure the success of the peace process, continued coordination among international partners was required, especially for those activities that would have to be carried out after a successful conclusion of the peace talks. They included: bridging the relief-development gap; assisting voluntary returns; ceasefire monitoring; disarmament, demobilization and reintegration; policing; and rule of law and human rights monitoring. Moreover, the Darfur-Darfur dialogue and reconciliation were core issues that should be addressed both during and after the talks if the peace settlement was to be truly inclusive. International community support for a Darfur peace agreement would also depend on several factors, including its consistency with the Comprehensive Peace Agreement and the Interim National Constitution and respect for the constitutional arrangements worked out for southern Sudan; its potential application to other conflict areas in the country, such as eastern Sudan; and the inclusion of measures to effectively enforce a permanent ceasefire in Darfur.

On 19 November, following the Envoys’ meeting in Khartoum, attended by representatives from the AU, the EU, Canada, France, Germany, the Netherlands, Norway, the United Kingdom and the United States, discussed how to facilitate a more unified position within SLM before the talks began, and humanitarian and development issues that would have to be addressed after the conclusion of a peace agreement. An UNMIS paper presented to the Special Envoys, focused on the post-Abuja process and discussed the characteristics that would be required of any peace agreement to make it credible and sustainable. At the meeting, the importance for the international community to engage the parties on key post-conflict issues was also recognized, some of which could also be addressed in more detail in the Darfur-Darfur dialogue, to be held after the conclusion of a final peace agreement on Darfur. That dialogue should also include a strategy for sustainable reconciliation among all communities in Darfur.

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The Special Representative also held two bilateral meetings with Mr. Minawi, during which he underlined the international community’s position that divisions within SLM should not detract from the overarching mission of achieving peace.
and reconciliation in Darfur before the end of 2005. He urged Mr. Minawi to refrain from detaining dissenting commanders, made clear that the United Nations could not take a stance in the movement’s internal dispute and called on him to cooperate with Abdul Wahid to ensure that the signing of a peace agreement reached during the next round would result in the cessation of military activities by all.

The seventh round of inter-Sudanese peace talks on Darfur opened in Abuja on 29 November. All parties pledged to negotiate in good faith, with a view to reaching an agreement by the end of the year. Talks were held on power-sharing and on wealth-sharing and security arrangements. While the parties identified priority areas of concern in the power-sharing discussions, their position still remained far apart, which the AU mediation was attempting to bridge through compromise solutions.

In preparation for those talks, the AU Peace and Security Council (Addis Ababa, Ethiopia, 22 November) [S/2005/765] issued a communiqué expressing concern over developments on the ground. It demanded that the SLM/A leadership should be addressed collectively to resolve the conflict in a democratic and transparent manner. The AU Council decided, in consultation with the UN Security Council, to consider future measures, including sanctions, to be taken against any party that undermined or constituted an obstacle to the Darfur peace process. It appealed to all international partners to support the AU position on an all-inclusive peace process, and the peace talks, as well as AMIS deployment in Darfur.

Concerning the security situation, the Secretary-General said in his November report that the security situation in western Darfur remained very precarious in October. Even after promises by the state government to implement joint military and police patrols on the highways to ensure security, lawlessness and banditry reached such dangerous levels that all roads out of Geneina remained open to UN staff only with approved armed escorts. The tense situation within Geneina itself warranted a reduction of non-essential UN personnel on 12 October. The poor security situation was compounded by issues that straddled the Sudan-Chad border. Reports of defections from the Chadian army highlighted the risk of transborder tribal ties internationalizing the conflict in Darfur. Moreover, criminal cross-border activities added another dimension to the already challenging security environment.

October also marked a milestone for AMIS, as five of its members were killed on 8 October, the mission’s first such deaths, during a firefight with an armed group that had earlier ambushed and killed two civilian contractors in southern Darfur. The AMIS patrol stated that the attackers appeared to be members of the SLM/A, while the movement’s leadership denied any involvement. That event was followed the next day by a large-scale, though short-term, detention of AMIS personnel and advisers by a splinter faction of JEM near Tine, northern Darfur. On 27 October, an AMIS patrol was shot at near Tama, southern Darfur, by unknown gunmen. The escalation of targeted violence against AMIS underscored the serious dangers and risks facing the AU force and the need for all parties to guarantee their safety and security in Darfur.

In early November, the freedom of movement of members of the panel of experts appointed by the Security Council to monitor the implementation of Council resolution 1591(2005) was affected during the panel’s latest visit to El-Fasher, where they were harassed by Government security agents. On 10 November, the State Minister admitted that the behaviour of military intelligence “had been wrong” and assured the Special Representative that the panel members had freedom of movement in the pursuit of their mandated activities.

In his December report, the Secretary-General said that the confirmed number of civilian deaths due to violence had almost doubled, due to both politically motivated attacks and criminal banditry. In particular, two political developments significantly contributed to violence and insecurity during the reporting period. First, the internal struggle within SLM/A created a leadership vacuum in certain areas of Darfur, leading to speculation that the split would spur inter-tribal clashes between the Fur and the Zaghawa, the respective tribes of the two rival SLM/A leaders, Abdul Wahid and Minni Minawi. Second, a recent influx of military deserters from Chad into western Darfur had further destabilized the complex security situation in the region. They joined Chadian armed opposition groups based in Darfur who engaged in a wide range of destructive activities, including cross-border smuggling, cattle-rustling and banditry. There were also serious inter-tribal clashes in southern Darfur between the Falata and the Massalit. Militia attacks on more than a dozen Massalit villages south-west of Gereida occurred from 6 to 17 November, resulting in an estimated 60 deaths, and the displacement of 15,000 people.

In northern Darfur, SLM/A internal difficulties translated into an increasing number of inter-tribal incidents on 11 November between the Zaghawa and Meidop tribes. On 13 Novem-
ber, confrontation between the two tribes resulted in the death of at least 15 people.

Western Darfur presented the most complex security environment of the three States, as splinters of various armed groups and significant numbers of infiltrators from Chad engaged in criminally and politically motivated violence. On 18 November, the Sudanese Armed Forces carried out operations in the Jebel Moon area, allegedly against Chadian deserters who had moved into the area. That incident was confirmed a week later by an UNMIS assessment team visiting the area on a fact-finding mission. Furthermore, there was no sign of Chadian deserters as alleged by the Government.

The Secretary-General noted that the situation in Darfur had not changed since 2004: the vast majority of armed militia had not been disarmed, nor any major steps taken by the Government to bring to justice or even identify any of the militia leaders or the perpetrators of attacks, contributing to a prevailing climate of impunity. He urged the Government of the Sudan once again to take decisive steps to address those issues. The current round of the Abuja talks was critical and had to be decisive, despite the serious difficulties encountered, as a result of the division within SLM. Further procrastination should not be accepted. The international community, including his Special Representative, had begun engaging the parties on key post-conflict issues that needed to be defined in a peace agreement. However, a peace agreement could result in security and protection only if it was widely accepted among the various elements in Darfur, including those not represented at the Abuja talks. Sustained dialogue among all parties and an inclusive and long-term reconciliation strategy therefore would have to follow an agreement in Abuja. All parties would have to demonstrate their political determination for genuine reconciliation. Those and other steps would have to go hand in hand with an enhanced international security presence, which should address adequately the deteriorating security situation on the ground.

The Secretary-General said that he was pleased that the AU had decided to lead a second assessment mission from 10 to 20 December (see below), including a team from the United Nations. The mission’s recommendations on the way forward would help inform the AU, its partners and the Security Council as they considered the next steps to take. In the meantime, everything possible should be done to sustain and strengthen the AU Mission and to further enhance protection efforts throughout the region. He also appealed to the donor community to respond generously to the massive humanitarian needs in Darfur, which were outlined in the 2006 workplan for the Sudan, and presented on 2 December.

AU assessment team to Darfur (December)

The AU-led assessment team to Darfur arrived there on 10 December to review AMIS operations, assess the implementation of the recommendations of the March assessment mission (see p. 327) and evaluate the security situation.

In its assessment, transmitted by Nigeria to the Security Council President on 22 December [S/2005/834], the mission concluded that the AMIS presence had contributed to reducing the number of ceasefire violations and afforded some level of protection for the delivery of humanitarian assistance. Its “firewood patrols” and field sorties enabled internally displaced persons to cultivate and harvest crops in certain areas, and that, together with a sustained humanitarian effort by the international community, had considerably reduced malnutrition and mortality rates in Darfur. Several AMIS commanders had also engaged in local reconciliation efforts (“military diplomacy”), thus contributing to reducing tensions and preventing many incidents. The deployment of the civilian police component, which had started 24-hour operations in some locations, also helped to improve significantly the security in the camps for internally displaced persons and their immediate vicinity.

The team noted, however, that the prevailing security situation did not allow for the return of internally displaced persons and refugees in any significant numbers. Banditry, harassment of civilians, and tensions and skirmishes between ethnic communities were rife throughout Darfur and remained an unresolved security challenge.

The team paid tribute to the fallen AMIS soldiers in the Khor Abeche area in southern Darfur and those injured near the Chadian border. The mission noted that AMIS personnel, whose total strength, as at 13 December, stood at 6,932 (5,623 military personnel and 1,309 civilian police), were conducting their tasks with increasing effectiveness and great commitment.

The findings of the assessment mission would form the basis of the AU Commission’s recommendations to the Peace and Security Council in January 2006 on how to further enhance the effectiveness of the AU forces in Darfur and to provide pointers on the way forward.

Year-end developments

In a later report [S/2006/59], the Secretary-General indicated that the seventh round of the inter-Sudanese peace talks, which started in
Abuja on 29 November, made slow progress. Work in the power-sharing commission was delayed for a week, as the parties were unable to reach a compromise on the four key issues of agenda item 4, namely: whether Darfur should become a region or remain divided into three separate states; the inclusion of a Darfuri representative in the structure of the presidency; Darfuri representation at the national capital level; and the application of the 1 January 1956 boundaries to Darfur. After extensive consultations with both sides, the power-sharing commission resumed work on 19 December in a somewhat improved atmosphere and was continuing to debate the four issues.

In the wealth-sharing commission, further progress was made. The movements called for a joint assessment mission by both sides, with international community participation, to assess the economic, political and social areas. The conference adopted a wide range of recommendations in the economic, political and social areas.

Concerning the security situation, the Secretary-General reported that December witnessed a continuation of very high levels of violence and insecurity in Darfur, including banditry, a new round of militia attacks on villages and camps, intensive Government combat operations and the deliberate destruction of significant areas of farmland. In addition, the rapid deterioration of the situation along the Chad-Sudan border and concern about a possible conflict between those two neighbouring countries further exacerbated the climate of insecurity.

Both SLM/A and the Government seriously flouted the ceasefire agreements. On 3 December, armed militia attacked the SLA at Um Kunya, south of Nyala, resulting in 11 civilian deaths and up to 7,500 people displaced. On 4 December, in an apparent retaliation, SLA forces attacked the Sudanese Armed Forces garrison at Donkey Dereaisa, while Sudanese Armed Forces attacked their positions in the Masteri area, south-west of Geneina. Heavy fighting continued for three days, forcing the relocation of NGOs from the area. Government forces and rebels also fought in Masteri, Kongo Haraza and Beida, together with militia attacks in the Jebel Moon, Silea and Kubus areas.

The level and intensity of inter-tribal and militia clashes also increased. On 19 December, hundreds of armed militia attacked the village of Abu Sorouj, in western Darfur, burning dozens of huts and looting livestock. A total of 19 villagers, including several women and children, were reported killed in the attack.

The security situation in western Darfur was again being negatively affected by the rapidly deteriorating situation along the Chad-Sudan border. On 18 December, major clashes took place between Chadian rebel groups and Chadian armed forces in the border town of Adre. Since then, there was a worrying build-up of armed forces of the two states and local militias on both sides of the border.

In the area of human rights, unidentified armed elements continued to launch attacks on camps during December, while elements associated with the Sudanese Armed Forces continued to harass and intimidate them. At Kalma camp, on 15 December, the Government lifted the commercial blockade that had been imposed on the camp for more than six months. The blockade prevented the flow of critical goods and materials into the camp and led to a dramatic increase in tensions and violence there. The lifting of the ban, combined with the more regular AMIS presence in the camp, had significantly reduced the number of security incidents reported from Kalma.

Field missions and investigations conducted by UN human rights officers in December also revealed serious abuses against civilians in the context of major attacks by the Sudanese Armed Forces and/or armed militias. Documented violations included forced displacement, arbitrary arrest, prolonged detention, torture by national security officials and the indiscriminate use of force in military operations.
Communications. The EU Presidency, in a 21 December statement [S/2005/652], welcomed the progress made in the seventh round of the Abuja talks in the wealth-sharing commission, but expressed concern at the lack of progress on power-sharing and security arrangements. The EU was deeply concerned by the continuing violations of the ceasefire agreements in Darfur and called on all sides to stop such attacks and refrain from any action that might aggravate the situation in Darfur and Chad.

On 22 December [S/2005/655], the Spokesman for the AU mediation issued a statement, in which the AU Special Envoy for Darfur and Chief Negotiator expressed outrage at the attack on Abu Sorouj in western Darfur on 19 December. The Special Envoy stressed that the perpetrators should be made to face the full force of the law and urged the Sudanese authorities and others concerned to ensure that justice was done. He also called on the Government of the Sudan and all parties to the conflict to ensure the protection of the civilian population in Darfur.

SECURITY COUNCIL ACTION

On 21 December [meeting 5342], following consultations among Security Council members, the President made statement S/PRST/2005/67 on behalf of the Council:

The Security Council welcomes the commencement in Abuja of the seventh round of the African Union-led inter-Sudanese peace talks on Darfur, and expresses its appreciation to the African Union, the international community and the other donors.

The Council is encouraged by the active participation of representatives from all invited groups of the Sudan Liberation Movement/Army and the Justice and Equality Movement, as well as members of the Sudan People’s Liberation Movement, as part of the Government of National Unity, and urges their continued cooperation with the African Union Mission in the Sudan and with the United Nations Mission in the Sudan.

The Council calls upon all parties to the conflict to fulfil their commitments to conclude a just and full peace accord without further delay. The Council demands that all parties refrain from violence and put an end to atrocities on the ground, especially those committed against civilians, including women and children, humanitarian workers and international peacekeepers.

The Council recalls the demands on the Government of the Sudan and the rebel forces, as well as other armed groups, to respect fully their commitments referred to in its recent resolutions. The Council demands, in particular, that the Sudan Liberation Movement/Army, the Justice and Equality Movement and the Government of the Sudan immediately cease violence, comply with the N’djamena ceasefire agreement, end impediments to the peace process and cooperate fully with the African Union Mission in the Sudan, and that the Government of the Sudan disarm and control militias. It further demands that those responsible for violations of human rights and international humanitarian law be brought to justice without delay.

The Council recalls its concern that the persisting violence in Darfur might further negatively affect the region, in particular the security of Chad. It firmly condemns, in this context, recent attacks perpetrated by armed elements within Chad and in particular the attack of 18 December 2005 on positions of the Chadian national army in the town of Adré, and supports efforts to reduce tensions on the border.

The Council reiterates its determination to make full use of existing measures under its relevant resolutions on the Sudan, including holding accountable those responsible for violence and violations of the arms embargo, and those who impede the peace process.

The Council expresses its gratitude to the African Union and its Mission in the Sudan for the positive role that its forces have played in reducing violence and promoting the restoration of order in Darfur.

The Council also appeals to donors to continue to support the crucial work of the African Union Mission in the Sudan in stemming the violence in this suffering region and to provide critical humanitarian assistance to millions of war-afflicted civilians in Darfur and across the border in Chad.

In the broader Sudan context, the Council welcomes further progress achieved in the implementation of the Comprehensive Peace Agreement, in particular the signing of the Constitution for Southern Sudan and the formation of the Government of Southern Sudan.

Eritrea-Sudan

On 27 June [S/2005/416], the Sudan accused Eritrea of acts of aggression and sabotage designed to undermine the peace agreements achieved in southern Sudan and to destabilize and threaten national security. It also accused Eritrea of organizing conferences of Sudanese opposition groups in Eritrea and offering political, training and logistic support to those organizations. It called on the Security Council to address the situation, which it warned was soon reaching a point when it would be forced to exercise its legitimate right to defend its sovereignty, territorial integrity and security.

Eritrea, in a 28 June response [S/2005/417], detailed its historic efforts to promote internal peace and stability in the Sudan, and said that the groundless accusations were either pretexts by the Government to derail the entire peace process and renege on its commitments, or a deliberate diversion to foment problems in the region.

Somalia

The Transitional Federal Government of Somalia, established at the end of 2004, following
the successful conclusion of the Somali National Conference, began 2005 with the endorsement by Parliament of a Cabinet. Shortly thereafter, the Government, in addressing the two immediate priorities, namely, its relocation from Nairobi to Somalia and the establishment of an interim peace support mission pending deployment to the country of a peacekeeping mission, caused a rift within the leadership of the transitional federal institutions that resulted in a political impasse for most of the year.

On the one hand, President Abdullahi Yusuf Ahmed and Prime Minister Ali Mohammed Gedi planned to start functioning in Jawhar until it was safe to relocate to the capital, Mogadishu; on the other, the Speaker of Parliament, Sharif Hassan Sheik Adan, and some ministers insisted on immediate relocation to Mogadishu. Although no agreement was reached, relocation got under way by midyear, with each side relocating to its chosen site. Also contentious was the composition of an interim peace support mission, sponsored by the Intergovernmental Authority on Development and endorsed by the African Union, in response to a request by the President. As the impasse persisted, each side proceeded to engage in unilateral actions that the other rejected, leading to heightened tension and reported military build-up by both sides. The Security Council cautioned that a peace support mission had to be carefully planned and required the support of the Somali people; it called on all Somali leaders to exercise maximum restraint and stressed that a resort to military force was unacceptable.

Meanwhile, the United Nations Political Office for Somalia remained in contact with Somali leaders, civic organizations and the States and organizations concerned in order to advance the peace and reconciliation process. In November, the Secretary-General outlined to the Council the specifics of an expanded role for the United Nations in the country, which the Government, States in the region and the international community had requested.

The Monitoring Group on Somalia, charged by the Council with investigating violations of the arms embargo imposed on the country, reported in August a dramatic rise in violations that involved the leaders of the two opposing sides, which corresponded to their increased militarization activities in central and southern Somalia. At the request of the Council, the Secretary-General, in March and November, reestablished the Group, each time for a six-month period, in order to continue its functions.

Insecurity remained prevalent in Mogadishu and in other parts of the country, as intermittent violence, factional and inter-clan conflicts and militia rivalries continued, which not only exacerbated the threat to the viability of the transitional institutions but also prevented implementation of UN programmes in the country and hampered delivery of humanitarian assistance to the Somali communities in crisis.

The self-proclaimed republic of “Somaliland” in the north-west continued to press for international recognition of its status as an independent State. “Somaliland” and the self-declared autonomous north-east region of “Puntland” were relatively stable throughout the year.

(For assistance for humanitarian relief and the economic and social rehabilitation of Somalia, see p. 996.)

**United Nations Political Office for Somalia**

The United Nations Political Office for Somalia (UNPOS), established in 1995 [YUN 1995, p. 400], continued to assist in advancing the cause of peace and reconciliation in Somalia. The Secretary-General, in his February report (see p. 339), stated that the Transitional Federal Government, the countries in the region and the international community had asked the United Nations to take the lead in coordinating support to the Government to implement the agreements reached by the Somali National Reconciliation Conference, which concluded in October 2004 with the election of the President [YUN 2004, p. 381], and to establish peace and stability in Somalia. The Secretary-General recalled having previously pointed to the need, at that stage of the Somali peace process, for an expanded UN political presence and proposed an incremental expansion based on discussions with the Transitional Federal Government. That called for a higher profile leadership by UNPOS and an increase in its staff in the areas of political and military liaison, information, civil police, disarmament, demobilization and reintegration, and human rights. The Security Council, in welcoming the efforts of UNPOS, concurred with the need for an expanded UN role in Somalia as proposed (see p. 341).

On 16 November [S/2005/729], the Secretary-General confirmed to the Council that the expanded role for the United Nations would include assisting in the continuous dialogue among Somali parties for reconciliation; assisting in effort to address the issue of “Somaliland”; coordinating support for the peace process with Somalia’s neighbours and other international partners; and chairing the Coordination and Monitoring Committee, as well as playing a leading political role in peacebuilding activities. The main objectives of UNPOS during 2006-2007...
National reconciliation process and security situation


Report of Secretary-General (February). In his February report [S/2005/89], the Secretary-General stated that the new Cabinet proposed by the Prime Minister, composed of 92 ministers, assistant ministers and ministers of State, was endorsed by Parliament on 13 January. The unusually large number of appointments drew criticism, which the Prime Minister defended as necessary to ensure inclusivity. At its first meeting, on 15 January, the Cabinet set up committees to handle cooperation with the international community and to work on the relocation of the Transitional Federal Government from Nairobi to Somalia. The relocation plan called for relocating to Somalia 987 people, including the Government and Parliament members, and delegates to the Somali National Reconciliation Conference; peacebuilding and reconciliation through the organization of peacebuilding conferences in 92 districts; establishment of provisional regional and district administrations pending full realization of the federal structure; encampment and retraining of 53,000 militia members; and formation of a police force of 10,000. The plan, costing some 94,375,572 euros, was expected to last over three months, from mid-February. The plan was presented on 2 February to the new Coordination and Monitoring Committee [YUN 2004, p. 262], created as a mechanism through which donor countries and regional and subregional organizations provided support to the efforts of the Transitional Federal Government. The Committee’s Declaration of Principles and Structured Coordination Modalities, which served as the highest level of information-sharing and policy discussion in the partnership between the international community and the Government, was signed on 9 February by the Transitional Federal Government and the United Nations, representing the international community.

On 6 February, two delegations of 73 Parliamentarians led by the Speaker of Parliament and the Second Deputy Speaker visited Mogadishu to discuss the relocation and security issues with local leaders, clan elders and other stakeholders. The visits were supported by the United Nations Trust Fund for Peacebuilding in Somalia, the United Nations Development Programme (UNDP) and the European Commission. For their part,
the President and the Prime Minister, while still residing in Nairobi, had undertaken a number of diplomatic missions to countries of the region towards the end of the previous year to discuss those issues.

On 31 January, the Intergovernmental Authority on Development (IGAD) issued a communiqué expressing the willingness of Djibouti, Ethiopia, Kenya, the Sudan and Uganda to participate in a future African Union (AU) peace support mission to Somalia. On 7 February, the AU Peace and Security Council authorized IGAD to deploy such a mission to Somalia. A large demonstration led by a number of sheikhs and militias under the Sharia courts had been mounted, on 8 January, against the deployment in Somalia of what they considered foreign troops in support of the Transitional Federal Government. Heavy weapons, including anti-aircraft guns and armoured vehicles were reportedly being purchased for use against such troops.

The intermittent fighting and violence in Somalia continued to prevent the United Nations from implementing programmes in many areas of the country. Large-scale violations of the arms embargo by extremist groups, militias and some Parliament members were reported. Of concern was the proliferation of small arms and heavy weapons, such as tanks, artillery, anti-aircraft guns, rocket launchers and heavy mortars. Because of insecurity in Mogadishu, where violent crime remained common and clan disputes occasionally occurred, the Transitional Federal Government had been obliged to consider a phased approach for its return to the capital and perhaps to start functioning in Baidoa or Jawhar. Widespread inter-clan fighting and banditry continued to have a severe impact on southern and central Somalia.

Confrontation continued between “Somali-land” (the north-western regions) and “Puntland” (north-eastern Somalia) over control of the north-western regions of Sool and Sanaag. An electoral law passed by the “Somali-land” House of Representatives and by the House of Elders on 18 January and 5 February, respectively, provided for the demarcation of district and regional boundaries; the holding of elections in all “Somali-land” regions (including Sool and Sanaag) and a population census; and the completion of voter registration and issuance of identity cards to all “Somali-landers” before elections. The law raised concern over the possibility of renewed tensions between “Somali-land” and “Puntland” during those elections, scheduled for 28 March. In “Puntland” on 8 January, General Adda Musse was elected President.

Given that stabilizing the humanitarian situation in Somalia constituted an essential component for the peace and reconciliation process, the report also described the efforts to that end, including assistance to the drought-affected regions of the north and south-central zones and along the Somali coastline that had been affected by the 2004 Indian Ocean tsunami [YUN 2004, p. 932], as well as to the estimated 400,000 Somalis displaced by drought conditions and clan conflicts. Further detailed were UNDP operational activities to promote peace and stability in the areas of governance, livelihoods, health, water and environmental protection, child protection, HIV/AIDS, internally displaced persons and refugees, and education. The Secretary-General called on the Office for the Coordination of Humanitarian Affairs and UN agencies to accelerate their efforts to reach out to non-traditional donors, and for the expansion of community-based peace and reconciliation initiatives currently being undertaken in the humanitarian context.

SECURITY COUNCIL ACTION

On 7 March [meeting 5135], following consultations among Security Council members, the President made statement S/PRST/2005/11 on behalf of the Council:

The Security Council reaffirms all its previous decisions concerning the situation in Somalia, in particular the statement by its President of 19 November 2004.

The Council welcomes the report of the Secretary-General of 18 February 2005, and 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 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 ongoing relocation efforts of the Transitional Federal Government, expects further progress in this regard and stresses the need for the international community to provide strong political, financial and capacity-building support for these efforts.

The Council commends the efforts of the African Union and the Intergovernmental Authority on Development in support of the Transitional Federal Government. The Council reiterates its support for the efforts of the African Union in assisting the process of transition in Somalia. The Council recognizes the African Union’s readiness to play an important role in a future peace support mission in Somalia. Such a mission must be carefully considered and planned and would require the support of the Somali people.

The Council urges all Somali factions and militia leaders to cease hostilities and encourages them and the Transitional Federal Government to enter into
immediate negotiations for a comprehensive and
verifiable ceasefire agreement leading to final dis-
armament, and welcomes the willingness of the
United Nations to provide advice in this regard.

The Council expresses its gratitude to all those do-
nors who have supported the peace process in Somal-
ia and encourages donor countries and regional and
subregional organizations to contribute to the recon-
struction and rehabilitation of Somalia, in particular
through efforts coordinated by United Nations
agencies.

The Council welcomes the establishment of the
Coordination and Monitoring Committee, chaired
jointly by the Prime Minister of the Transitional Fed-
eral Government and the United Nations, through
which donor countries and regional and subregional
organizations can provide support to the efforts of
the Government.

The Council stresses that improving the humani-
tarian situation is an essential component of support
for the peace and reconciliation process. The Coun-
cil strongly believes that ensuring humanitarian ac-
cess to all Somalis in need and providing guarantees
for the safety and security of aid workers is an imme-
diate priority and obligation of the Transitional Fed-
eral Government.

The Council welcomes the efforts of the United
Nations Political Office for Somalia and its leading
role in coordinating support for the Transitional Fed-
eral Government to implement the agreements reached
at the Somali National Reconciliation Con-
ference and establish peace and stability in Somalia. The Council takes note of the need to expand
the United Nations presence as proposed in the report
of the Secretary-General of 18 February 2005. The
Council concurs with the Secretary-General that a
further enhanced role for the Organization in Soma-
ilia must be incremental and should be based on the
outcome of discussions with the Government.

The Council reaffirms its full support for the
peace process in Somalia and the commitment of the
United Nations to assist the regional and sub-
regional efforts in this regard.

Communications. The European Union (EU),
in a 7 April statement issued by its Presidency
[8/2005/218], urged all Somali parties inside and
outside the TFIs to refrain immediately from fur-
ther hostilities and armed confrontations, and
called for an immediate dialogue among all the
parties within the TFIs with a view to having the
Council of Ministers and Parliament reach an
agreement on a new comprehensive proposal on
relocation and security.

By a joint statement of 12 May [8/2005/326], the
EU and the United States stressed the urgent
need for a viable agreement on relocation and se-
curity, to be endorsed by the TFIs. They wel-
comed the Somali efforts on relocation, includ-
ing those of the Somali parties to facilitate
demilitarization in Mogadishu, which should be
incorporated into a national plan as soon as possi-
ble.

Report of Secretary-General (June). The
Secretary-General’s June report [S/2005/392]
noted that the two issues of relocation and secu-
rit had proved controversial within the Transi-
tional Federal Government. Serious concern was
expressed among Somalis and the international
community that, almost eight months after the
conclusion of the Somali National Reconciliation
Conference, the transitional institutions were
still in Nairobi rather than in Somalia. Con-
troversy on the first issue caused a rift between Pres-
ident Yusuf and Prime Minister Gedi, the one hand,
who argued that the Government should
relocate temporarily to Baidoa or Jawhar until
Mogadishu was made safe; and Speaker of Parlia-
ment Sharif Hassan Sheikh Adan and those asso-
ciated with him, on the other, who insisted on im-
mediate relocation to Mogadishu. Consequently,
relocation could not begin in mid-February as
planned. However, Parliament members and
ministers gradually began leaving Nairobi for
Mogadishu beginning in late March through the
middle of June. By the reporting date, over 100
parliamentarians were in Mogadishu. The Pres-
ident arrived in the city of Jawhar on 26 July,
which he and the Prime Minister used as the de-
facto temporary seat of the Transitional Federal
Government.

Controversy on the second issue centered on
the inclusion of troops from the front line States—
Djibouti, Ethiopia and Kenya—in a future AU/
IGAD peace support mission requested by the
President. Again, a large number of Parliament
members, Cabinet ministers and other leaders
who were later joined by the Speaker, while wel-
coming AU troops, categorically opposed the in-
clusion of troops from those States and insisted
on the endorsement by Parliament of the mis-
ion’s composition and mandate. The opposing
sides held demonstrations in the capital in early
March in support of their respective views. The
IGAD Council of Ministers met on the issue on 17
and 18 March, following Parliament’s debate on
it. The Ministers reaffirmed their commitment
to execute their 31 January decision to deploy an
IGAD peace support mission to Somalia (see
p. 340). Deployment would take place in two
phases: during phase I, troops from the Sudan
and Uganda would provide security and support
to the Government to ensure its relocation to
Somalia, while the remaining IGAD countries
would provide logistics, equipment and training
to the Somali army and police; during phase II,
troop deployment would be undertaken by the
remaining IGAD countries pending the deploy-
ment of AU troops. The Ministers welcomed the
decision of the Ministers for Foreign Affairs of
the League of Arab States (LAS) to participate in
the mission and to assist IGAD and the AU in that regard.

An AU/IGAD fact-finding mission had visited Somalia earlier (14-26 February) to hold consultations with different segments of the population in many parts of the country, including Mogadishu. The mission elicited mixed reactions, but, on the whole, most Somalis supported the deployment of foreign troops, except troops from neighbouring States. In an emergency session of Parliament called by the President on 11 May, two motions submitted by the Prime Minister—to deploy the IGAD peace support mission, authorized on 17 February (see p. 340), and to approve the Cabinet’s decision to relocate to Baidoa or Jawhar, with an office in Mogadishu, pending stabilization of the capital—were approved by votes of 145 and 141, respectively. The votes were declared null and void by the Speaker.

The AU Peace and Security Council, following its consideration of the fact-finding mission’s report at its twenty-ninth meeting (Addis Ababa, Ethiopia, 12 May), issued a communiqué [S/2005/315] authorizing the deployment under phase I of the IGAD peace support mission, which was to facilitate the relocation of the Transitional Federal Government and provide protection as appropriate; to assist the Government and the Somali parties in security sector reform and disarmament, demobilization and reintegration efforts; and to facilitate humanitarian operations within its capabilities. The AU Council also requested the Security Council to authorize an exemption for the peace support mission from the arms embargo imposed on Somalia by Security Council resolution 733(1992) [YUN 1992, p. 99].

In addition to the activities of IGAD, the AU and LAS to help establish a functional Government, Sweden held consultations related to the coordination of international support to the Government relocation plan. The Director of the Africa Division of the UN Department of Political Affairs visited Nairobi in April to stress the need to resolve the current differences within the Transitional Federal Government. Citing the impossibility of ensuring security for the Government by external troops alone, he pointed to the need for a comprehensive ceasefire agreement with the possible formation of a core Somali security force that was initially to be recruited on the basis of the “4.5 formula” for clan representation and quickly trained. The TFIs could gradually move from Nairobi to Mogadishu, while the President could travel to different locations in Somalia.

UNPOS likewise encouraged dialogue between the Transitional Federal Government members in Mogadishu and those in Nairobi (see p. 344). It visited possible facilities for the relocation and identified a number of project proposals for several peacebuilding activities under the United Nations Trust Fund for Peacebuilding in Somalia.

In Mogadishu, despite the rapprochement between many of the faction leaders there, violent crime and occasional inter-clan incidents continued at such levels that the city remained at UN security phase V. In the South of the country, aid operations were seriously hampered by the proliferation of checkpoints manned by uncontrolled militia who restricted staff and supply movement. In contrast, administrations in both “Somaliland” and “Puntland” were able to control such activities, allowing delivery of aid over a wide area. In “Somaliland” in May, a visiting AU delegation was briefed by authorities there on the determination of “Somaliland” to protect its sovereignty, stressing that its recognition was within the purview of the AU. A United Kingdom official had visited Hargeysa in the previous month to discuss the forthcoming parliamentary elections. The reporting period saw no significant incidents between “Somaliland” and “Puntland” in the contested regions of Sool and Sanaa, although no progress towards a political solution had been achieved.

The Secretary-General updated information on developments in the various operational activities mentioned in his first report (see p. 339), including the training of youth groups in good governance to enhance their participation in district-based local governance processes. The United Nations had also developed policy and operational plans for countrywide disarmament, demobilization and reintegration. As to security sector reform, the United Nations was registering and surveying over 15,000 security forces and militia in “Puntland” and “Somaliland”, where demobilization and reintegration of several thousand forces were under way. Pilot projects and planning would continue in central and southern Somalia pending large-scale demobilization, in partnership with the Transitional Federal Government. Under development were small-arms and light-weapons control strategies, including a legal framework for the curtailment of weapons proliferation in the country.

The Secretary-General underlined the importance of including a humanitarian and human rights component in training programmes envisaged for foreign troops and Somali security forces. He said the United Nations would continue to support disarmament, demobilization and reintegration efforts and to build on experiences of UN agencies already involved in such programmes.
SECURITY COUNCIL ACTION (July)

On 14 July [meeting 5227], following consultations among Security Council members, the President made statement S/PRST/2005/32 on behalf of the Council:

The Security Council reaffirms all its previous decisions concerning the situation in Somalia, in particular the statements by its President of 19 November 2004 and 7 March 2005.

The Council welcomes the report of the Secretary-General of 16 June 2005, and 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 Somalia, consistent with the purposes and principles of the Charter of the United Nations.

The Council is encouraged by the relocation now under way of the transitional federal institutions to Somalia, urges further progress in this regard and calls upon the Somali leaders to continue to work towards reconciliation, through inclusive dialogue and consensus-building within the framework of the transitional federal institutions, in accordance with the Transitional Federal Charter of the Somali Republic adopted in February 2004.

The Council expresses its concern at the recent disagreements and increased tensions among Somali leaders, which threaten the viability of the transitional federal institutions. The Council calls upon all leaders in Somalia to exercise maximum restraint and take immediate effective steps to reduce tension. Violence or military action by any members of the transitional federal institutions or other parties is unacceptable as the means for dealing with the current differences within the transitional federal institutions. The Council reiterates that any members of the transitional federal institutions or other parties who persist on the path of confrontation and conflict, including military action, will be held accountable.

The Council urges the transitional federal institutions to conclude without delay a national security and stabilization plan, to include a comprehensive and verifiable ceasefire agreement leading to final disarmament, and welcomes the willingness of the United Nations to provide advice in this regard.

The Council commends the commitment of the African Union and the Intergovernmental Authority on Development in support of the relocation to Somalia of the transitional federal institutions and reiterates its support for those efforts in assisting the process of transition in Somalia. The Council welcomes the readiness of the African Union and the Intergovernmental Authority on Development to reinforce their continued support for the establishment of a functioning central government of Somalia, including the possible deployment of a peace support mission to Somalia, and encourages the Peace and Security Council of the African Union to keep the Security Council informed of all developments. The Council expects the African Union and the Intergovernmental Authority on Development to work out a detailed mission plan in close coordination with, and with the broad consensus of, the transitional federal institutions and consistent with a national security and stabilization plan.


The Council further reminds all parties in Somalia, including all members of the transitional federal institutions, as well as all Member States, of their obligation to implement and enforce the arms embargo imposed by the Council under resolution 733(1992). Continued non-compliance with this measure undermines the efforts of those who seek to establish peace in Somalia. There can be no effective and lasting progress in Somalia as long as arms and ammunition flow unchecked across Somalia’s borders. A stable and secure environment in Somalia is essential to the future success of the national reconciliation process.

The Council welcomes the continued engagement of donors in supporting the establishment of a functioning government in Somalia through the mechanisms of the Coordination and Monitoring Committee and in fulfilment of the Declaration of Principles. The Council encourages donor countries and regional and subregional organizations to continue to contribute to the reconstruction and rehabilitation of Somalia, in particular through the mechanisms of the Rapid Assistance Programme and efforts coordinated by the United Nations.

The Council stresses that improving the humanitarian situation is an essential component of support for the peace and reconciliation process. The Council reiterates that ensuring humanitarian access to all Somalis in need and providing guarantees for the safety and security of aid workers is an immediate priority and obligation of the transitional federal institutions. The Council further welcomes the ongoing efforts and work of the business community, humanitarian organizations, non-governmental organizations, civil society and women’s groups to facilitate the demilitarization of Somalia.

The Council deplores the recent hijacking of a vessel off the coast of Somalia that had been chartered by the World Food Programme and was carrying food aid for tsunami victims, and notes the subsequent decision by the Programme to suspend all shipments of humanitarian assistance to Somalia. The Council expresses its concern at the impact of these developments, and calls for the quick and appropriate resolution of this incident. The Council condemns in the strongest terms the brutal murder of Somali peace activist Abdulkadir Yahya Ali in Mogadishu on 11 July 2005. The Council calls for the incident to be investigated immediately and for those responsible to be held fully accountable.

The Council welcomes the steps being taken to strengthen the capacity of the United Nations Political Office for Somalia and reiterates its strong support for the leadership of the Special Represen-
tative of the Secretary-General in his efforts in fostering inclusive dialogue among the leaders of the transitional federal institutions. The Council calls upon all Somali parties and Member States to extend to him their fullest cooperation in this regard.

The Council reaffirms its full support for the peace process in Somalia and the commitment of the United Nations to assist the regional and sub-regional efforts in this regard.

**Report of Secretary-General (October).** The Secretary-General’s report of 11 October [S/2005/642] indicated no progress in resolving the differences between the TFIs leaders on four broad issues: the relocation of the TFIs; a national security and stabilization plan; national reconciliation; and the peace support mission envisaged by the AU and IGAD. Instead, tensions worsened between the President and the Prime Minister, who were based in Jawhar, and the Speaker of Parliament, who was based in Mogadishu, and the Special Representative. Tensions were based on Jawhar and presented to the Speaker, the leadership of the TFIs to foster an inclusive dialogue, the AU and IGAD. Instead, tensions worsened between the President and the Prime Minister, who were based in Jawhar, and the Speaker of Parliament, who was based in Mogadishu, and the Special Representative. Tensions were based on Jawhar and presented to the Speaker, the Prime Minister agreed to in advance. The Prime Minister announced at a press conference on 19 August that the Government was open for dialogue within the TFIs. The Speaker, for his part, gave an undertaking to the Special Representative not to use any Parliament meetings to undermine the prospects for dialogue, and, on 26 August, reiterated his willingness to enter into dialogue within the framework of the TFIs, stressing the need to respect the Transitional Federal Charter.

On 13 September, the Prime Minister informed the Transitional Federal Government of his intentions, after consultations, to begin holding meetings of the Council of Ministers in Mogadishu. The Special Representative welcomed the initiative and expressed the hope that the meetings would be preceded by consultations and followed by a full session of Parliament, in accordance with the Transitional Federal Charter. In his discussions with high-level officials in the subregion, the Special Representative impressed upon his interlocutors the need to foster dialogue with the TFIs and encouraged them to use their influence towards that end. He subsequently held talks with European Governments to impress upon them the need for the international community to speak with one voice on the issues of an inclusive dialogue and of a functional parliament as essential for the legitimacy of the Transitional Federal Government.

The Heads of Mission of the EU countries in Nairobi welcomed the Prime Minister’s proposal to resolve the differences within the TFIs at three levels: the leadership (President, Prime Minister, and the Minister of Interior), as well as by the Special Representative, jointly with Kenya’s Minister for Regional Cooperation and East Africa Affairs. On the basis of Security Council presidential statement S/PRST/2005/32 (above), the Special Representative intensified his contacts with the leadership of the TFIs to foster an inclusive dialogue. On 1 August, he visited Jawhar and presented the President and the Prime Minister with a proposed road map for dialogue which would address the key issues of an agreement on the safe relocation of the TFIs, a national security and stabilization plan, modalities for the deployment of an AU/IGAD peace support mission, and national reconciliation. A sequencing chart, prepared by IGAD, the AU and the EU, was also presented. It proposed that, upon successful conclusion of the dialogue, the Council of Ministers and a full session of Parliament should be called to establish a national security commission to draw up the modalities for the deployment of a peace support mission.

On 3 August, the Special Representative visited Mogadishu and presented to the Speaker, ministers and members of Parliament a copy of the road map and sequencing chart. They expressed support for the initiative but voiced their concerns that the President and the Prime Minister might resort to an armed confrontation with them. While committing themselves to dialogue, they emphasized that the agenda, venue and composition of delegations for the talks had to be agreed to in advance. The Prime Minister announced at a press conference on 19 August that the Government was open for dialogue within the TFIs. The Speaker, for his part, gave an undertaking to the Special Representative not to use any Parliament meetings to undermine the prospects for dialogue, and, on 26 August, reiterated his willingness to enter into dialogue within the framework of the TFIs, stressing the need to respect the Transitional Federal Charter.

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ernment. Soon after arriving in the north of the
deadlock within the Transitional Federal Gov-
mination of holding a meeting of
the Council of Ministers in an effort to break the
make good his intention of holding a meeting of
[87x147]S/2006/122], the Prime Minister led a ministerial
deligation to Mogadishu on 6 November, to
[87x147]p. 346), the inter- and intra-clan fighting, espe-
ding between rival militias all made for difficult
sicranations to take concrete steps towards reaching a consen-
process. The Council calls upon all Somali parties and
of the Transitional Federal Parliament, which has an essential role in promoting the peace
Council underlines the fact that the primary responsibility for pro-
been forthcoming from their
cities, his motorcade was attacked by an explosive
device; although he was unhurt, the blast killed
nine people and wounded at least 10 others. Nonetheless, the Prime Minister called a Cabinet
meeting on 8 November, but only those ministers
already supporting him attended; those based in
Mogadishu declined to attend, as the meeting
was not preceded by consultations between the
two sides.

Another initiative for reconciliation was under-
taken in early November by the Chairman of the
Juha Alliance in control of Kismayo, who pro-
posed a two-phased approach to parliamentary
dialogue: the first would involve a meeting in
Kismayo of 16 parliamentarians each from
Jawhar and Mogadishu to discuss technical mo-
dalities; the second would involve a full session of
Parliament. Owing to lack of consensus on the
question of venue, the initiative was not realized.

**SECURITY COUNCIL ACTION (November)**

On 9 November [meeting 5302], following con-
sultations among Security Council members, the
President made statement S/PRST/2005/54 on
behalf of the Council:

The Security Council reaffirms all previous state-
ments by its President and its resolutions concerning
the situation in Somalia, in particular the statement
by its President of 14 July 2005 and its resolution

The Council welcomes the report of the Secretary-
General of 11 October 2005, and reaffirms its com-
mmitment to a comprehensive and lasting settlement
of the situation in Somalia and its respect for the sov-
ergancy, territorial integrity, political independence
and unity of Somalia, consistent with the purposes
and principles of the Charter of the United Nations.

The Council expresses its concern over recent re-
ported military activities and hostile rhetoric, and
emphasizes that any resort to military force as a
means of dealing with the current differences within
the transitional federal institutions is unacceptable.
The Council condemns in the strongest terms the as-
sassination attempt on 6 November 2005 against
Prime Minister Ali Mohammed Gedi in Mogadishu.

The Council expresses its concern and disap-
pointment over the lack of progress in ameliorating
the contention between the leaders of the transi-
tional federal institutions, and over the non-func-
tioning of the Transitional Federal Parliament,
which has an essential role in promoting the peace
process. The Council calls upon all Somali parties
and the leaders of the transitional federal institu-
tions to take concrete steps towards reaching a consen-
sus agreement through inclusive dialogue with-
out delay. The Council commends the Prime
Minister’s initiative for the early convening of a full
Council of Ministers in Mogadishu, to be followed
by a full session of Parliament. The Council under-
lines the fact that the primary responsibility for pro-
gress in restoring an effective functioning govern-

and Speaker), the Cabinet (ministers), and Parlia-
mence that, if a resolution
through dialogue was successful, more financial
assistance would be forthcoming from their
country.
The Council underlines its strong support for the Special Representative of the Secretary-General for Somalia in his efforts at facilitating the peace process in Somalia, supporting ongoing Somali-owned internal initiatives. The Council calls upon all Member States to provide their full and active support in this regard.

The Council affirms its continuing support to the transitional federal institutions and reiterates the need for a national security and stabilization plan to be agreed, through which any efforts to rebuild the security sector should be directed.

The Council condemns the increased flow of weapons into Somalia and the continuous violations of the United Nations arms embargo. The Council further reminds all States of their obligations to comply fully with the measures imposed by resolution 733(1992) and urges them to take all necessary steps to hold violators accountable.

The Council expresses serious concern over the increasing incidents of piracy off the coast of Somalia. The Council condemns recent hijackings of vessels in the area, particularly of ships carrying humanitarian supplies to Somalia. The Council urges the transitional federal institutions, regional actors and relevant international organizations to work together to address this problem.

The Council expresses its growing concern over the situation of one million Somalis in a state of humanitarian emergency or suffering from severe livelihood distress and the rising civil and food insecurity in parts of southern Somalia, where malnutrition levels have increased. The Council stresses that improving humanitarian access to all Somalis in need is an essential component of durable peace and reconciliation.

The Council recognizes the role of civil society, in particular women’s groups, and their contribution to progress in demobilizing militias and improving the humanitarian situation in Somalia.

The Council strongly urges the transitional federal institutions to ensure humanitarian access and provide guarantees for the safety and security of aid workers. The Council condemns the strongest terms the killing of a United Nations national security officer in Kismayo on 3 October 2005. The Council calls for those responsible to be held accountable.

The Council reaffirms its full support for the peace process in Somalia and the commitment of the United Nations to assist in this regard.

Arms embargo

Report of Monitoring Group (March). As requested by Security Council resolution 1558 (2004) [YUN 2004, p. 264], the Monitoring Group of four experts re-established by the Secretary-General for a period of six months [ibid., p. 265], continued to investigate violations of the arms embargo covering access to Somalia by land, air and sea, to assess progress of its full implementation by States in the region, and to make recommendations.

The Group issued its report [A/2005/153] on 14 February, which the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (Committee on sanctions against Somalia) [YUN 1992, p. 292] transmitted to the Council on 8 March. The Group reported that violations of the arms embargo continued to occur at a brisk and alarming rate. Since February 2004, it had uncovered 34 separate arms shipments in violation of the embargo, which ranged from individual weapons, such as large anti-aircraft guns, to ocean freight containers full of arms ranging from explosives and ammunition to small arms, mines and anti-tank weapons.

Information gathered by the Group indicated the existence of a sophisticated financial network operating inside and outside Somalia that might be directly involved in arms purchases. Recent arms shipments had strengthened the military capacity of well organized and funded opposition elements within Somalia, who had publicly expressed their intent to violently oppose the Government and any international supporters that might provide military support to it inside Somalia.

The report drew attention to two major arms markets that continued to help fuel and perpetuate the violent clashes and instability prevalent in the country: the Bakaaraha arms market inside Somalia, particularly in Mogadishu, and an arms market located in Yemen that the Group was convinced was the source of a continuous supply of arms for the Bakaaraha market. Those markets were also a main cause of the many arms-related problems in the front line States. The increased clandestine arms shipments to Somalia relied less on air and more on sea and road transport. The Group’s findings included arms shipments offloaded from container ships at a neighbouring country’s seaport and transported to Somalia by road and by dhows. Organized criminal groups involved in the clandestine movement of arms shipments from source to recipient had consistently circumvented the customs and police authorities of the various States responsible for intercepting such shipments. As a result, the continued heavy flow of arms into Somalia, mostly
directed to those elements opposed to the newly established Transitional Federal Government (temporarily based in Nairobi), posed a serious threat to its peaceful establishment in Somalia.

Among the Group’s recommendations were the continued monitoring of the arms embargo, especially at border crossings and along the Somali coastline, which were the linchpins of the embargo violations; updating of the draft list of violators; and establishing a more formally structured Transitional Federal Government relationship with the AU, IGAD and possibly the front-line States to facilitate information exchange and cooperation. With international and regional support, the Transitional Federal Government should be encouraged to take prompt and decisive steps to regulate or stop arms sales through the Bakaaaraha market. Increased arms enforcement and interdiction by the customs, police and security organs of the regional and front-line States should be promoted. The Transitional Federal Government should work with the International Civil Aviation Organization, through the Civil Aviation Caretaker Authority for Somalia, to enable it to undertake its responsibilities for curtailing the transport of arms by air. The Committee on sanctions against Somalia, through the Monitoring Group and in collaboration with the International Maritime Organization and neighbouring States, should develop projects for the effective control of maritime activities along the Somali coastline; regional and front-line States should continue to monitor aggressively aircraft movements to and from Somalia, in coordination with the Civil Aviation Caretaker Authority; and neighbouring States should enforce the embargo by closely monitoring their common borders and regulating the flow of vehicular traffic.

The Transitional Federal Government was to be encouraged to establish its own customs border enforcement upon its relocation to Somalia, and special operations against illicit cross-border arms movement were to be conducted by regional customs authorities. The Group recommended that steps be taken to regulate the production of charcoal and establish adequate legal financial channels for the revenues derived from its export, without which large sums of money would continue to be indiscriminately used by warlords to strengthen their positions in the Somali conflict; and that financial and law enforcement authorities in countries where counterfeit Somali shillings were being printed undertake joint operations to address the practice and the smuggling of such currency into Somalia. Organizations giving donations to Somali charities and NGOs should reinforce their post-donation audit to ensure that donations were not diverted to warlords or extremist groups.

**Communication.** By a letter of 8 June to the Council [S/2005/290], Yemen annexed a detailed response to all the statements and references, implied or otherwise, to the country in the Group’s February report above. It made clear that the reported arms market inside Yemen had ceased to exist legally as from the beginning of 2003, when it was abolished by the Government and the permits granted for its operation were cancelled. Although the reference to a neighbouring country’s export from which arms shipments were offloaded for transport to Somalia was unclear, Yemen pointed out that it had no land borders with Somalia across which weapons might be transported to that country by land; Yemen was not among other parties having the capacity to carry out such combined sea-and-land activity.

**SECURITY COUNCIL ACTION (March)**


The Security Council,

Reaffirming its previous resolutions and the statements by its President concerning the situation in Somalia, in particular resolution 753(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 resolutions 1599(2003) of 16 December 2003 and 1558(2004) of 17 August 2004,

Welcoming further progress in the process of national reconciliation in Somalia, and expecting further steps by the Transitional Federal Government towards establishing effective national governance in Somalia,

Reaffirming the importance of the sovereignty, territorial integrity, political independence and unity of Somalia,

Commending the efforts of the African Union and the Intergovernmental Authority on Development in support of the Transitional Federal Government, and welcoming the continued support of the African Union for reconciliation in Somalia,

Taking note of the report of the Monitoring Group of 14 February 2005, submitted pursuant to paragraph 3(e) of resolution 1558(2004), and the observations and recommendations contained therein,

Condemning the continued flow of weapons and ammunition supplies to and through Somalia, in violation of the arms embargo, and expressing its determination that violators should be held accountable,

Reiterating the importance of the implementation of the arms embargo by Member States and the enhancement of the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargo will improve the overall security situation in Somalia,
Determining 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 733(1992);
2. **Expreses its intention** to give the report of the Monitoring Group of 14 February 2005 due consideration in order to improve implementation of and compliance with the measures imposed by resolution 733(1992);
3. **Requests** the Secretary-General, in consultation with the Security Council Committee established pursuant to resolution 751(1992) concerning Somalia (hereinafter referred to as “the Committee”), to re-establish within thirty days of the date of the adoption of the present resolution, and for a period of six months, the Monitoring Group referred to in paragraph 3 of resolution 1558(2004), with the following mandate:
   (a) To continue investigating the implementation of the arms embargo by Member States and violations, inter alia, through field-based investigations in Somalia, where possible, and, as appropriate, in other States, in particular, those in the region;
   (b) To assess actions taken by Somali authorities, as well as Member States, in particular those in the region, to implement fully the arms embargo;
   (c) To make specific recommendations based on detailed information in relevant areas of expertise related to violations and measures to give effect to and strengthen the implementation of the arms embargo in its various aspects;
   (d) To continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733(1992), 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;
   (e) 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 previous reports of the Monitoring Group appointed pursuant to resolutions 1590(2003) and 1558 (2004);
   (f) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;
   (g) To assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo;
   (h) To provide to the Council, through the Committee, a midterm briefing within ninety days of its establishment;
   (i) To submit to the Council through the Committee, no later than thirty days prior to the termination of its mandate, a final report covering all the tasks set out above, which the Committee will subsequently consider and convey to the Council prior to the expiration of its mandate;
4. **Also requests** the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;
5. **Reaffirms** paragraphs 4, 5, 7, 8 and 10 of resolution 1590(2003);
6. **Requests** the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider and recommend to the Council ways to improve implementation of and compliance with the arms embargo, including ways to develop the capacity of States in the region to implement its arms embargo, in response to continuing violations;
7. **Also requests** the Committee to consider, when appropriate, a visit to Somalia and/or the region by its Chairman and those he may designate, as approved by the Committee, to demonstrate the determination of the Council to give full effect to the arms embargo;
8. **Decides** to remain actively seized of the matter.

On 6 April [S/2005/229], the Secretary-General informed the Council that, after consultations with the Committee on sanctions against Somalia, he had re-established the Monitoring Group and appointed the four experts to constitute its membership.

**Report of Monitoring Group (October).** In accordance with the foregoing Security Council resolution, the Monitoring Group issued its report on 22 August [S/2005/925], which the Committee on sanctions against Somalia transmitted to the Council on 3 October. The Group reported that the previous six-month period saw a dramatic and sustained rise in the number of arms embargo violations that involved members of the Transitional Federal Government and those of the opposition in Mogadishu. The greatly increased arms flows into Somalia reflected the ongoing militarization in central and southern Somalia by the two sides (see p. 346). The opposition members who committed violations were the same individuals previously identified by the Group as warlords who did not want the establishment in Somalia of a Government that would infringe or overturn their personal political and economic vested interests. The Bakaraha arms market in Mogadishu continued to play a major role as an intermediary for channeling arms to members of the opposition. States in the region provided direct arms support to both sides as well.

The Group identified two key generators of revenue that accrued to certain powerful local administrations to help maintain their militias and purchase arms: the fishing industry, driven principally by foreign interests with whom local administrations or faction leaders concluded licensing arrangements for the unrestrained exploitation of marine resources in Somali coastal waters; and the export from Somalia of large
commercial quantities of charcoal, which represented a considerable source of revenue for factions engaged in arms embargo violations.

Therefore, to reduce the financial capacity of such local administrations to buy arms, the Group recommended that the Council consider adopting an integrated arms embargo that would reaffirm and maintain the existing arms embargo on Somalia and include an embargo on the export of Somali charcoal, a ban on foreign vessels fishing in Somali waters, and an embargo on the export of fish from those waters.

SECURITY COUNCIL ACTION (October)


The Security Council,
Reaffirming also the importance of the sovereignty, territorial integrity, political independence and unity of Somalia,
Reiterating the urgent need for all Somali leaders to take tangible steps to begin political dialogue,
Reaffirming its strong support for the leadership of the Special Representative of the Secretary-General for Somalia in his efforts at fostering inclusive dialogue, particularly through his road map for dialogue among the leaders of the transitional federal institutions,
Stressing the need for the transitional federal institutions to continue working towards establishing effective national governance in Somalia,
Commending the efforts of the African Union and the Intergovernmental Authority on Development in support of the transitional federal institutions, and welcoming the continued support of the African Union for national reconciliation in Somalia,
Taking note of the report of the Monitoring Group of 22 August 2005, submitted pursuant to paragraph 3 (a) of resolution 1587(2005) and the observations and recommendations contained therein,
Condemning the significant increase in the flow of weapons and ammunition supplies to and through Somalia, which constitutes a violation of the arms embargo and a serious threat to the Somali peace process,
Reiterating its insistence that all Member States, in particular those in the region, should refrain from any action in contravention of the arms embargo and should take all necessary steps to hold violators accountable,
Reiterating and underscoring the importance of enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargo will improve the overall security situation in Somalia,
Determining 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 Member States to comply fully with the measures imposed by resolution 751(1992);
2. Expresses its intention, in the light of the report of the Monitoring Group of 22 August 2005, to consider specific actions to improve implementation of and compliance with the measures imposed by resolution 751(1992);
3. Decides to request the Secretary-General, in consultation with the Security Council Committee established pursuant to resolution 751(1992) (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 referred to in paragraph 3 of resolution 1588 (2004), with the following mandate:
   (a) To continue the tasks outlined in paragraphs 3 (a) to (e) of resolution 1587(2005);
   (b) To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations;
   (c) To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;
   (d) To continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 751(1992), 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;
   (e) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts appointed pursuant to resolutions 1426(2002) of 22 July 2002 and 1474(2003) of 8 April 2003, and on the previous reports of the Monitoring Group appointed pursuant to resolutions 1589(2003), 1558 (2004) and 1587(2005);
   (f) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;
   (g) To assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo;
   (h) To provide to the Council, through the Committee, a midterm briefing within ninety days of its establishment;
   (i) To submit, through the Committee, for consideration by the Council, a final report covering all the tasks set out above, no later than fifteen days prior to the termination of the mandate of the Monitoring Group;
4. Requests the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;
5. Reaffirms paragraphs 4, 5, 7, 8 and 10 of resolution 1596(2003);
6. Requests the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider and recommend to the Council ways to improve implementation of and compliance with the arms embargo, in response to continuing violations;
7. Also requests the Committee to consider, when appropriate, a visit to Somalia and/or the region by its Chairman and those he may designate, as approved by the Committee, to demonstrate the determination of the Council to give full effect to the arms embargo;
8. Decides to remain actively seized of the matter.

As requested, the Secretary-General advised the Council on 2 November [S/2005/695] that, after consultations with the Committee on sanctions against Somalia, he had re-established the Monitoring Group and appointed the four experts to constitute its membership.

Report of Committee on sanctions. In accordance with a 1995 Security Council note, the Chairman of the Committee on sanctions against Somalia transmitted the annual report of the Committee [S/2005/813] summarizing its activities during 2005. The Committee held nine informal and three formal meetings. At the informal meetings, it met separately with representatives of Somalia’s neighbouring countries: Ethiopia, Eritrea and Kenya; discussed actions to follow up the meetings with those countries; met with the members of the Monitoring Group; discussed the AU communiqué of 12 May [S/2005/353] seeking exemption from the arms embargo for the proposed AU/IGAD peace support mission so as to allow it to bring military equipment to Somalia (see p. 341); and heard a briefing by the Chairman on his visit to Kenya, Ethiopia and Yemen (26 November–4 December), as requested by Council resolution 1630(2005). Discussions at the formal meetings concerned the findings and recommendations of the Group as contained in its two reports.

The Committee’s strong support for the work of the Monitoring Group, its active dialogue with and engagement of Somalia’s neighbouring States, and the Chairman’s recent visit to the region were evidence of its firm commitment to further strengthen the arms embargo on Somalia. As in the past, the Committee continued to rely on the cooperation of States and organizations in a position to provide information on violations of the arms embargo.

Eritrea–Ethiopia

The United Nations, in 2005, maintained its presence in Eritrea and Ethiopia in order to assist the countries in the implementation of their 2000 Agreement on Cessation of Hostilities and Comprehensive Peace Agreement, both signed in Algiers (the Algiers Agreements), which regulated their border dispute that had led to armed conflict in 1998 and subsequent intermittent fighting. The United Nations Mission in Ethiopia and Eritrea (UNMEE), established in 2000, continued to monitor the border region designated as the Temporary Security Zone and to support the work of the five-member Eritrea-Ethiopia Boundary Commission, the neutral body mandated under the terms of the Peace Agreement to delimit and demarcate the colonial treaty border.

During the year, the Boundary Commission attempted but failed to advance its demarcation activities, stalled in 2003, following the rejection by Ethiopia of significant parts of the Commission’s 2002 final and binding delimitation decision, previously accepted by both parties. Ethiopia declined to attend a meeting called by the Commission and remained firm in its insistence on preconditions for the implementation of the demarcation in the form of procedural impediments, whereas Eritrea insisted on adherence to the delimitation decision. In view of the impasse, the Commission decided in May to suspend activities and close its field offices; it expressed readiness to proceed with and complete the demarcation process whenever circumstances permitted.

Ethiopia continued to reinforce its troop build-up close to the southern boundary of the Zone, begun at the end of the previous year, while Eritrea continued to conduct military exercises north of it. UNMEE had successfully maintained the integrity of the Zone, despite restrictions imposed by both parties on its freedom of movement. However, Eritrea imposed additional operational and administrative restrictions, and, in October, banned all UNMEE helicopter flights within its airspace, thus severely inhibiting UNMEE capacity to implement its monitoring mandate. The fact-finding mission dispatched by the Security Council to the region in November to assess the situation involving UNMEE resulted in Council resolution 1640(2005) demanding that the parties immediately return to the 16 December 2004 levels of deployment, that Ethiopia accept fully the Commission’s delimitation decision, and that Eritrea immediately reverse all restrictions imposed on UNMEE operations. Ethiopia complied with the demand on troop redeployment; Eritrea maintained it had no troops to redeploy. The other demands of the resolution remained unfulfilled by year’s end.

Eritrea, instead of reversing its restrictions, asked that UNMEE staff of certain nationalities leave the country with effect from 6 December.
On 14 December, the Council, in consultation with the Secretary-General, agreed to temporarily relocate UNMEE civilian and military staff to Ethiopia; it intended to maintain the military presence of the Mission in Eritrea during its review of future plans for the Mission, whose mandate had been extended until 15 March 2006.

UNMEE

The United Nations Mission in Ethiopia and Eritrea (UNMEE), established by Security Council resolution 1312(2000) [YUN 2000, p. 174], continued in 2005 to monitor and verify implementation of the June 2000 Agreement on Cessation of hostilities between Ethiopia and Eritrea [ibid., p. 175]. Its core operations, as revised by resolutions 1320 (2000) [ibid., p. 176] and 1430(2002) [YUN 2002, p. 189], were devoted to observation, reporting, analysis, identification of potential flashpoints and preventive action, chairing the Military Coordination Commission and assisting the Boundary Commission (see below). The area under constant monitoring was within and around the Temporary Security Zone, a 25-kilometre-wide buffer zone separating Eritrea and Ethiopia, which for operational purposes, was divided into Sector West, Sector Centre and Sub-Sector East (formerly Sector East). UNMEE was headquartered in Addis Ababa and Asmara and maintained an office in Adigrat, Ethiopia.

In accordance with resolution 1560(2004) [YUN 2004, p. 270], which approved the two-phased adjustments to the configuration of the Mission, as proposed by the Secretary-General [ibid., p. 269], the Mission’s operations were streamlined beginning in December 2004 and completed by the end of January 2005. Its force was reduced from three to two battalions, and the former Sector East was reorganized into the new Sub-Sector East under the operational command of Sector Centre.

On the recommendation of the Secretary-General, the Council extended the mandate of UNMEE twice during the year, each for a six-month period: the first time until 15 September 2005 and the second until 15 March 2006.

Appointments. The Special Representative of the Secretary-General for Eritrea and Ethiopia, Legwaila Joseph Legwaila (Botswana), who had headed UNMEE since 2000, was assisted by two Deputy Special Representatives appointed by the Secretary-General in 2005: Joel W. Adechi (Benin), on 25 May [SG/A/925- AFR/171], who was to take up his duties in the Eritrean capital, Asmara, in early June; and Azouz Ennifar (Tunisia), on 29 July [SG/A/956-AFR/1222], who was to be based in the Ethiopian capital, Addis Ababa. The latter succeeded Cheikh-Tidiane Gaye (Senegal), who had left the Mission area earlier in the year.

Financing

At its resumed fifty-ninth session, the General Assembly considered the Secretary-General’s performance report on the budget of UNMEE for 1 July 2003 to 30 June 2004 [A/59/66] showing expenditures totalling $183,600,200 out of an apportionment of $188,400,000, a variance of $4,799,800, or 2.5 per cent; the proposed UNMEE budget for 1 July 2005 to 30 June 2006 [A/59/636 & Corr.1], amounting to $176,716,200; and the related report of ACABQ [A/59/756/Add. 10].

GENERAL ASSEMBLY ACTION

On 22 June [meeting 104], the General Assembly, on the recommendation of the Fifth Committee [A/59/833], adopted resolution 59/303 without vote [agenda item 150].

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 latest of which was resolution 1586(2005) of 14 March 2005,

Recalling its resolution 55/257 of 23 December 2000 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 58/302 of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 184(S-IV) of 27 June 1963, 2101(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. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Mission in Ethiopia and Eritrea as at 15 April 2005, including the contributions outstanding in the amount of 18.9 million United States dollars, representing some 2 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;

3. 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;

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

5. 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;

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 ensure the full implementation of the relevant provisions of its resolution 59/296;

11. Also requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

12. 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 2003 to 30 June 2004

13. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2003 to 30 June 2004;

Budget estimates for the period from 1 July 2005 to 30 June 2006

14. Decides to appropriate to the Special Account for the United Nations Mission in Ethiopia and Eritrea the amount of 185,993,300 dollars for the period from 1 July 2005 to 30 June 2006, inclusive of 176,664,400 dollars for the maintenance of the Mission, 7,028,200 dollars for the support account for peacekeeping operations and 1,700,700 dollars for the United Nations Logistics Base;

Financing of the appropriation

15. Decides also to apportion among Member States the amount of 38,748,004 dollars for the period from 1 July to 15 September 2005, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005, as set out in its resolution 58/1 B of 25 December 2003;

16. 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 15 above, their respective share in the Tax Equalization Fund of 1,186,104 dollars, comprising the estimated staff assessment income of 992,812 dollars approved for the Mission, the prorated share of 224,625 dollars of the estimated staff assessment income approved for the support account, and the prorated share of 28,567 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

17. Decides to apportion among Member States the amount of 147,244,696 dollars for the period from 16 September 2005 to 30 June 2006 at a monthly rate of 15,490,441 dollars, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2005 and 2006, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Mission;

18. 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 17 above, their respective share in the Tax Equalization Fund of 4,507,196 dollars, comprising the estimated staff assessment income of 3,544,688 dollars approved for the Mission, the prorated share of 853,757 dollars of the estimated staff assessment income approved for the support account and the prorated share of 108,933 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

19. Decides further 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 15 above, their respective share of the unencumbered balance and other income in the total amount of 20,184,500 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B;

20. Decides 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 20,184,500 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 19 above;

21. Decides also that the increase of 744,800 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be added to the credits from the amount referred to in paragraphs 19 and 20 above;

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

23. Encourages the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations.
Security Zone. UNMEE confirmed the deployment of the southern boundary of the Temporary Ethiopia had been steadily massing troops to

...on the UNMEE budget for 1 July 2004 to 30 June 2005 [A/60/636] and the UNMEE budget for 1 July 2006 to 30 June 2007 [A/60/636 & Corr.1].

Implementation of Algiers Agreements

Report of Secretary-General (March). The Secretary-General, in his March report (S/2005/121) updating developments in the peace process to which Ethiopia and Eritrea were committed under the terms of the 2000 Algiers Agreements, stated that, since his last report [YUN 2004, p. 272], Ethiopia had been steadily massing troops towards the southern boundary of the Temporary Security Zone. UNMEE confirmed the deployment of six to seven additional divisions at points ranging from 25 to 45 kilometres from that boundary, and training exercises and troop movements in Sector West. While Ethiopia described those activities as part of a reorganization of its armed forces to improve its defence capability, Eritrea regarded them as provocative. No significant movement of the Eritrean Defence Forces had been observed, however, except for some adjustments in areas near the Zone to cover the main roads linking both countries.

Concerned about a consequent rise in tensions along the parties' common border, the Secretary-General appealed to Ethiopia to redeploy its troops in order to reestablish the situation obtaining prior to 16 December 2004. With Ethiopia's troop build-up and hostile rhetoric from the two parties, the continuing threat to military stability due to the lack of progress in the Ethiopia-Eritrea peace process remained. Nonetheless, both generally cooperated with UNMEE, thus enabling it to maintain the integrity of the Zone.

The Military Coordination Commission, at its twenty-eighth meeting (Nairobi, 17 January), reviewed the functioning of the sector-level military coordination commissions and discussed the Ethiopian troop deployment and its potential impact on the peace process.

Restrictions on UNMEE's freedom of movement in areas adjacent to the Zone had been reduced to some extent by Eritrea. However, its continued closure of the Asmara-Keren-Barentu road—the best supply route for UN troops in Sector West—constituted a major impediment to UNMEE operations, although it was reopened briefly from 12 to 26 January to facilitate the rotation of the Jordanian battalion. Moreover, Eritrea's position in denying UNMEE a direct flight route between the capitals of both countries remained unchanged; UNMEE aircraft thus continued to fly via Djibouti, resulting in additional costs and work hours, and increased risk to staff safety and security. On the Ethiopian side of the Zone, restrictions were also encountered, especially in Sub-Sector East.

The UNMEE Mine Action Coordination Centre continued to provide support for the maintenance of a well-coordinated mine action response within the Zone and nearby areas, where landmines and unexploded ordnance posed a major danger and thus an obstacle to the resettlement of the populations of both countries. During the reporting period, the Centre's field teams provided mine-risk education, assistance and advice to almost 4,000 people. Three people were reported killed and 11 injured resulting from five accidental mine/ordnance explosions, three in Sector Centre and two in Sector West.

The overall humanitarian situation in Eritrea continued to deteriorate. Successive years of drought and existing economic policies had so seriously undermined crop and livestock production that about two thirds of the population required varying levels of food assistance throughout the year. Some 19,000 internally displaced persons who had recently returned to the Zone required social services and sustainable reintegration. In Ethiopia, the 2005 joint humanitarian appeal was launched in December 2004 (see p. 1032), just as the Government embarked on its Productive Safety Nets Programme. Despite the previous year's reported bumper harvest, large areas of the country remained severely affected by drought and food insecurity.

UNMEE implemented numerous small-scale, quick-impact projects for safe water, sanitation, and health and education services, with funding through the Trust Fund to Support the Peace Process in Ethiopia and Eritrea. It regularly monitored the situation of the more than 8,000 Eritrean refugees in the Shimelba camp, near Shiraro in Ethiopia, who faced critical humanitarian needs; monitored the human rights situation within the Zone, investigating border crossings and abduction of minors; undertook preliminary needs assessments in Ethiopia for technical cooperation projects to assist in capacity-building efforts in human rights, and planned to do the same in Eritrea; and regularly...
conducted human rights promotional and training activities for target groups in both countries.

The Secretary-General reiterated his appeal to Ethiopia and Eritrea to refrain from any action that could jeopardize the fragile and relative stability that had so far prevailed in the Zone, as well as the importance for both countries to accept demarcation of the boundary in accordance with the Boundary Commission’s instructions (see below). He suggested that the Council might find it opportune to reaffirm and demonstrate its 2002 commitment to support the peace process [YUN 2002, p. 184] by returning to visit the two countries. He again appealed to Eritrea to cooperate with his Special Envoy for Ethiopia and Eritrea, Lloyd Axworthy (Canada), to enable him to facilitate implementation of the Algiers Agreements and the 13 April 2002 delimitation decision of the Commission [ibid., p. 187].

The Secretary-General, affirming the stabilising role of UNMEE in the Ethiopia-Eritrea conflict, recommended that its mandate be extended until 15 September 2005.

### Boundary Commission (February)

The sixteenth report of the Boundary Commission [S/2005/142, annex I], issued in February and covering its activities from 15 December 2004 to 28 February 2005, stated that, despite its efforts, it had not been able to secure a resumption of the demarcation process, stalled since the Commission’s eleventh (2003) report [YUN 2003, p. 241].

By a 26 January letter to Ethiopia and Eritrea, the Commission, stating the imperative of being enabled to continue and complete its mission, called on both parties to assist it to that end without any preconditions, and provided a framework of specific steps that needed to be taken. The Commission subsequently invited the parties to meet with it in London on 22 February. Since the invitation was accepted only by Eritrea and not by Ethiopia, the Commission cancelled that meeting but held its own meeting on that date. The Commission outlined the principal developments that had led to the current impasse and identified the conduct that had prevented it from completing its mandate.

In summary, the Commission said it found itself confronted by the situation whereby Eritrea was insisting on adherence to the Commission’s 13 April 2002 delimitation decision [YUN 2002, p. 187]. It was willing to meet with the Commission and Ethiopia to discuss the unconditional renewal of the demarcation process, but was not prepared to accept Ethiopia’s 2003 proposal [YUN 2003, p. 240]—that the Security Council set up an alternative mechanism to demarcate the contested parts of the boundary (principally Badme, found by the Commission to lie on the Eritrean side of the boundary, and parts of Sector Centre) in a just and legal manner—for the completion of demarcation in the Eastern Sector, unless there was at the same time a clear assurance from Ethiopia that the rest of the boundary would also be demarcated. Ethiopia, on the other hand, was not prepared to allow demarcation to continue in the manner laid down in the demarcation directions and in the timeline set by the Commission. While insisting on prior dialogue, Ethiopia had rejected the opportunity for such dialogue within the framework of the demarcation process provided by the Commission in its 26 January letter. That, the Commission said, was the latest in a series of obstructive actions taken since the summer of 2002 and belied the frequently professed acceptance by Ethiopia of the delimitation decision.

In view of the situation, the Commission said it was taking immediate steps to close its field offices; they could be reactivated, if Ethiopia abandoned its insistence on preconditions for the implementation of the demarcation. The Commission remained ready to proceed with and complete the demarcation process whenever circumstances permitted.

### SECURITY COUNCIL ACTION (March)


The Security Council,

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**Political and security questions**

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The Secretary-General, reaffirming all its previous resolutions and statements pertaining to the situation between Ethiopia and Eritrea, and the requirements contained therein, including in particular resolution 1560(2004) of 14 September 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,

Welcoming the Secretary-General’s determination that the Mission has been able to maintain the integrity of the Temporary Security Zone,

Expressing concern regarding the recent high concentration of Ethiopian troops in the areas adjacent to the Temporary Security Zone,

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,

Seriously concerned with the decision of the Boundary Commission to take immediate steps to close down its field offices, due to the lack of progress made in the demarcation of the border, as reflected in the sixteenth report on the work of the Commission, of 24 February 2005,

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, including the refusal to participate in the meeting of 22 February 2005,

Expressing its 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 both 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,

Welcoming Eritrea’s unconditional acceptance of the decision of the Boundary Commission,

Welcoming also Ethiopia’s five-point peace proposal of 25 November 2004,

Having considered the report of the Secretary-General of 7 March 2005, and welcoming the observations made therein,

1. Decides to extend the present mandate of the United Nations Mission in Ethiopia and Eritrea until 15 September 2005;

2. Calls upon the parties to refrain from any increase of troops in the areas adjacent to the Temporary Security Zone, to give serious consideration to returning to the 16 December 2004 levels of deployment and, more generally, to refrain from any threat of use of force against each other;

3. Also calls upon the parties to cooperate fully and expeditiously with the Mission in the implementation of its mandate, to ensure the security of all staff of the Mission, and to remove immediately and unconditionally all restrictions on and impediments to the work and to the full and free movement of the Mission and its staff;

4. Takes note of positive developments in some areas of relations between the Mission and the parties, in this regard urges Eritrea to take immediate steps, in consultation with the Mission, towards implementing the direct flights between Addis Ababa and Asmara, and also calls upon Eritrea to reopen the Asmara to Barentu road;

5. Stresses that Ethiopia and Eritrea have the primary responsibility for the implementation of the Algiers Agreements and the decision of the Eritrea-Ethiopia Boundary Commission, and calls upon the parties to show political leadership to achieve a full normalization of their relationship, including through peacekeeping activities for the adoption of further confidence-building measures and to consolidate progress achieved so far, by making full use of the existing framework of the Commission;

6. Reiterates its call 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 complete appointment by Ethiopia of its field liaison officers;

7. Calls upon Ethiopia without preconditions to start the implementation of demarcation, by taking the necessary steps to enable the Boundary Commission to demarcate the border completely and promptly;

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

9. Reiterates its full support for the Special Envoy of the Secretary-General for Ethiopia and Eritrea, Mr. Lloyd Axworthy, in his efforts to facilitate the implementation of the Algiers Agreements, the decision of the Boundary Commission and the normalization of diplomatic relations between the two countries through his good offices, and emphasizes that this appointment does not constitute an alternative mechanism;

10. Calls upon Eritrea to accept the good offices of the Secretary-General and cooperate with his Special Envoy;

11. Calls upon the witnesses to the Algiers Agreements to play a more concerted and active role to facilitate their full implementation;

12. Decides to continue monitoring closely the steps taken by the parties in the implementation of their commitments under the relevant resolutions of the Security Council and under the Algiers Agreements, including through the Boundary Commission, and to review any implications for the Mission;

13. Requests the Secretary-General to continue to monitor the situation closely, to review the mission’s mandate in the light of progress made in the peace process and changes made to the Mission;

14. Decides to remain actively seized of the matter.

Report of Secretary-General (June). In his 20 June report [S/2005/400], the Secretary-General noted that Ethiopia maintained its troop deployment close to the southern boundary of the Temporary Security Zone and that Eritrea remained engaged in military training exercises nearby. In a demonstration of transparency, Ethiopia gave UNMEE details of its current military positions, while Eritrea escorted the Force Commander to its operational locations in Sub-Sector East and Sector West. In addition to the usual cross-border incursions involving livestock rustling and individual strayings into the Zone, three shooting incidents occurred in Sector West, allegedly between armed Ethiopians and Eritrean militia, on 9, 11 and 26 April, which resulted in the deaths of four Ethiopians and one Eritrean militiaman. Those incidents notwithstanding, UNMEE was able to maintain the integrity of the Zone.

UNMEE ground patrols operating on the Eritrean side adjacent to the Zone continued to encounter restrictions. Its personnel had also been subjected to unwarranted arrests and deten-

The Military Coordination Commission, at its twenty-ninth and thirtieth meetings (Nairobi, 25 March and 11 May), discussed the prevailing military situation, the cross-border incidents and existing restrictions on UNMEE’s freedom of movement.

The Secretary-General noted that the national and regional elections held in Ethiopia on 15 May were generally peaceful. The elections were monitored by more than 300 foreign observers and were covered by over 800 accredited national and international journalists. The delay in announcing the final vote counts resulted in some demonstrations, however, in which a number of demonstrators were shot and killed by security forces.

The period from March through May saw eight incidents of mine or unexploded ordnance within the Zone that killed one person in Sector Centre and injured eight others in Sector West, near the Ethiopian side of which four newly laid mines on certain roads were also discovered. UNMEE, together with the commercial contractors, destroyed eight mines and 704 items of unexploded ordnance, and demined 1,385,156 square metres of land and 457 kilometres of road.

The Secretary-General expressed concern over the recent shootings in the Zone, which he felt could easily escalate into situations that would compromise military stability; as well as the continuing stalemate in the peace process, which he considered unsustainable in the long term. He said that the attainment of durable peace between Ethiopia and Eritrea rested primarily with both of them, and fulfilment of that responsibility was a debt they owed to their peoples.

**Boundary Commission (May).** The seventeenth report of the Boundary Commission [S/2005/200, annex 1], issued on 30 May and covering the period 1 March to 30 May, stated that the Commission had suspended all its activities in the area, closed its field offices and terminated its staff contracts. For the time being, its field assets were in UNMEE’s custody. There had been no further demarcation activity.

**Report of Secretary-General (August).** In an August report [S/2005/553], the Secretary-General stated that the integrity of the Temporary Security Zone continued to be successfully maintained by UNMEE, even as Ethiopia’s troops remained in their forward positions to the south of the Zone and Eritrea’s military exercises continued.

Improved cooperation by Ethiopia and Eritrea with UNMEE resulted in a decline in the restrictions imposed by both parties on the Mission’s freedom of movement. The Asmara-Keren-Barentu road remained closed, however, with no indication from Eritrea as to when it would reopen. Eritrea’s continuing restrictions on UNMEE police in Asmara, preventing the Italian contingent from resuming its activities there led to the contingent’s withdrawal in July. Eritrean military and police were to take over and deploy as early as possible. As to the long-standing request for a direct flight route between Asmara and Addis Ababa, although Ethiopia had agreed to allow UN aircraft to fly directly from Addis Ababa to Asmara, UNMEE had yet to receive a positive response from the authorities in Asmara.

At the thirty-first meeting of the Military Coordination Commission (Nairobi, 16 July), the Eritrean and Ethiopian delegates, in addition to discussing the current military situation and functioning of the sector military coordination commissions, reiterated their willingness to cooperate fully with UNMEE to resolve outstanding issues relating to the maintenance of the Zone.

From June to mid-August, three accidents from unexploded ordnance occurred in Sector West and two in Sector Centre that killed one child and injured four persons. UNMEE demining assets and commercial contractors destroyed 10 mines and 285 pieces of unexploded ordnance, besides clearing 1,079,195 square metres of land and 574 kilometres of road. UNMEE continued to work with commercial contractors to implement an integrated approach to demining operations inside the Zone focusing on minefields in the Shilalo region of Eritrea, in Sector West. UNMEE Mine Action Coordination Centre provided mine-risk education to 1,978 internally displaced persons returning to that region.

In the area of human rights, UNMEE followed up cases of cross-border abductions and missing persons from Ethiopia and Eritrea; monitored the repatriation of 298 persons to Ethiopia and 163 to Eritrea under the auspices of the International Committee of the Red Cross; visited Shimelba refugee camp in northern Ethiopia, where international aid agencies addressed the needs of 9,327 refugees for food, water, sanitation, health and education services; and continued its technical cooperation activities in Ethiopia, including training projects for law enforcement officials, civil society organizations and national human rights institutions. The Secretary-General once again invited Eritrea to assist UNMEE...
in extending its technical cooperation in human rights work in the country.

The Secretary-General, stating that the protracted stalemate in the Ethiopia-Eritrea peace process was inherently destabilizing, reiterated his strong appeal to the witnesses to the Algiers Agreements—Algeria, the EU, OAU (now the AU), the United Nations and the United States—especially those with influence on the parties, to play a more concerted role in assisting them to resolve the stalemate. He also called on the international community to spare no effort in bringing the parties together to engage in constructive dialogue aimed at moving the peace process forward and normalizing bilateral relations between them.

The Secretary-General recommended that UNMEE’s mandate be extended for a further six months, until 15 March 2006, and that the authorized number of its military observers be increased by 10, to a total of 230, within the existing authorized strength of 3,404 military personnel. Given the progress made in integrating demining operations in the Mission area, the difficulties facing the Eritrean national demining programme and of the fact that demining support to the Eritrea-Ethiopia Boundary Commission remained on hold, the Secretary-General also recommended that UNMEE assist the parties, in continuing cooperation with other international partners in the mine action sector, by providing humanitarian demining assistance, technical advice and coordination in and around the Zone.

Boundary Commission (August). The eighteenth report of the Boundary Commission [S/2005/535/Add.1], issued on 31 August and covering the period 1 June to 31 August, advised that there had been no change in the demarcation situation since its report of 30 May (see p. 356).

SECURITY COUNCIL ACTION (September)


The draft [S/2005/560] was prepared in consultations among Council members.

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 1586 (2005) of 14 March 2005,

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 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 Eritrea-Ethiopia Boundary Commission of 13 April 2002, embraced by the parties as final and binding in accordance with the Algiers Agreements,

Stressing 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,

Deeply concerned by the continuing lack of progress in the implementation of the final and binding decision of the Boundary Commission, and by Ethiopia’s ongoing rejection of significant parts of the decision of the Boundary Commission,

Noting with deep concern the continuing high concentration of troops in the areas adjacent to the Temporary Security Zone,

Having considered the report of the Secretary-General, and welcoming the observations made therein,

Noting that possible options to resolve the stalemate in the peace process include, when appropriate, a visit to Ethiopia and Eritrea, as suggested by the Secretary-General in paragraph 38 of his report, as well as a meeting of the witnesses to the signing of the Algiers Agreements,

Welcoming the action taken by the Mission to address the issue of sexual exploitation and abuse, particularly the efforts towards prevention through training, and also the action taken to address HIV and AIDS,

1. Decides to extend the mandate of the United Nations Mission in Ethiopia and Eritrea until 15 March 2006;

2. Approves the reconfiguration of the military component of the Mission, including an increase in the number of military observers by 10, within the existing overall mandated strength of the Mission, and the assistance to the parties in the mine action sector, as recommended by the Secretary-General in paragraphs 11 and 42 of his report;

3. Calls upon both parties to refrain from any action which may lead to an escalation of the tension, and in this respect urges both parties to give serious consideration to returning to the 16 December 2004 levels of deployment and, more generally, to refrain from any threat of use of force against each other;

4. Reaffirms that Ethiopia and Eritrea have the primary responsibility for the implementation of the Algiers Agreements and the decision of the Eritrea-Ethiopia Boundary Commission, by making full use of the existing framework of the Boundary Commission;

5. Calls upon Ethiopia to accept fully the decision of the Boundary Commission and to enable, without preconditions, the Commission to demarcate the border completely and promptly;

6. Calls upon the parties to implement completely and without further delay the decision of the Boundary Commission and to create the necessary conditions for demarcation to proceed expeditiously;

7. Takes note of the continuing improvement in the climate of cooperation between the Mission and the parties, calls upon both parties to cooperate fully and expeditiously with the Mission in the implementation of its mandate, to ensure the security of all the staff of the Mission, and to remove immediately and uncondi-
tionally all restrictions on and impediments to the work and to the full and free movement of the Mission and its staff, and in this regard strongly urges Eritrea to remove the restrictions on the military police of the Mission in Asmara;

8. Urges Eritrea to take immediate steps, in consultation with the Mission, towards implementing direct United Nations flights between Addis Ababa and Asmara and to reopen the road from Asmara to Barentu to Mission traffic;

9. Calls upon both parties to achieve a full normalization of their relations, including through political dialogue between them for the adoption of further confidence-building measures and to consolidate progress achieved so far;

10. Expresses its concern at the ongoing food insecurity in Ethiopia and Eritrea and its potential to create greater instability, and calls upon Member States to continue to provide generous support for both humanitarian and development activities to improve food security in Ethiopia and Eritrea;

11. Calls upon Eritrea to lift all restrictions imposed on the operations of aid organizations, to enable them to carry out their humanitarian activities;

12. Decides to continue monitoring closely the steps taken by the parties in the implementation of their commitments under the relevant resolutions of the Security Council and under the Algiers Agreements, including through the Boundary Commission, and to review any implications for the Mission;

13. Requests the Secretary-General to take the necessary measures to achieve actual compliance in the Mission with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, also requests the Secretary-General to take all necessary 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, and urges troop-contributing countries to take appropriate preventive action, including conducting predelayment awareness training and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

14. Also requests the Secretary-General to continue to monitor the situation closely, to review the mission’s mandate in the light of progress made in the peace process and changes made to the Mission;

15. Decides to remain actively seized of the matter.

Restrictions on UNMEE

On 4 October [meeting 5276], following consultations among Security Council members, the President made statement S/PRST/2005/47 on behalf of the Council:

The Security Council expresses its grave concern at the decision of the Government of Eritrea to restrict all types of United Nations Mission in Ethiopia and Eritrea helicopter flights within Eritrean airspace or coming to Eritrea, effective from 5 October 2005, which will have serious implications for the ability of the Mission to carry out its mandate and for the safety of the staff.

Recalling all its previous resolutions and the statements by its President regarding the situation between Ethiopia and Eritrea, the Council emphasizes that the aforementioned decision of the Government of Eritrea gravely contravenes the Council’s call upon the parties, in resolution 1321(2000), to provide the Mission with the access, assistance, support and protection required for the performance of its duties, as well as the Agreement on Cessation of Hostilities signed at Algiers on 18 June 2000 by the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea.

The Council further underlines the need for implementation of the decision of the Eritrea-Ethiopia Boundary Commission without further delay, which will enable the Mission to fulfill its mandate.

The Council reaffirms that both parties bear the primary responsibility for the implementation of the Algiers Agreements and the decision of the Boundary Commission.

The Council calls upon the Government of Eritrea to immediately reverse its decision and to provide the Mission with the access, assistance, support and protection required for the performance of its duties. It also calls upon both parties to cooperate fully and expeditiously with the Mission in the implementation of its mandate.

The Council also calls upon both parties to show maximum restraint and to refrain from any threat of use of force against each other.

The Council reiterates its call upon both parties to achieve a full normalization of their relations, including through political dialogue between them for the adoption of further confidence-building measures and to consolidate progress achieved so far.

Communications. The Secretary-General informed the Security Council President on 24 October [S/2005/668] that the situation with regard to UNMEE had seriously deteriorated, stating that the current state of affairs constituted a crisis requiring the international community’s full attention and urgent and specific action, without which the situation could escalate and lead to another round of devastating hostilities. He said the Council had been thoroughly briefed on the latest turn of events affecting UNMEE, most recently on 19 October, both in informal consultations and at a special meeting with the troop-contributing countries.

Underlined at those briefings was Eritrea’s decision to restrict all types of UNMEE helicopter flights within Eritrean airspace, thus severely inhibiting the Mission’s capacity to implement its monitoring mandate, as requested by the parties in the June 2000 Agreement on Cessation of Hostilities and authorized by Council resolutions 1312(2000) and 1320(2000) [YUN 2002, pp. 173, 174, 176]. As such, the decision also seriously affected
prospects for the implementation of the December 2000 comprehensive Peace Agreement between Eritrea and Ethiopia [ibid., p. 180]. In addition, the Eritrean restriction dramatically affected the security of UN peacekeepers and their operations to the extent that 18 out of 40 observation posts and deployment sites in isolated places had become unsustainable and no longer operationally viable.

At the meeting with the troop-contributing countries, India and Jordan expressed alarm at the implications of the delimitation decision by the Boundary Commission, which their Governments regarded as unacceptable. They appealed for a strong and unequivocal message from the UN to reverse the untenable situation. At the same time, Ethiopia stated to the press that members of the Eritrean Defence Force had infiltrated the Temporary Security Zone and urged the United Nations to “take measures to restore the status quo”.

The Secretary-General said that he had conveyed his serious concern about the restrictions to the President of Eritrea, who replied on 20 October that the Council and the Secretary-General had forfeited their “relevance” on matters relating to the peace process.

The Secretary-General further expressed concern over the restrictions on humanitarian operations in Eritrea, including significant delays in relief food distributions, the impoundment of UN project vehicles and lack of access to some of the UN warehouses and containers.

He called on the Council to exert its maximum influence to avert a further deterioration of the situation and to secure the lifting of the restrictions. He said it was imperative for the Council to address the underlying causes of the stalemate in the peace process, including those relating to the Ethiopian position on the delimitation decision of the Boundary Commission. He stood ready to work with the Council collectively and with key stakeholders individually to bring the crisis to an end, to conclude the peace process, and to re-establish vital humanitarian activities in Eritrea.

Eritrea, on 28 October [S/2005/688], drew attention to what it called the Council’s failure to carry out its obligations to maintain regional peace and security under the Charter of the United Nations and the Algiers Agreements. Citing Ethiopia’s repeated obstruction of the work of the Boundary Commission, Eritrea claimed those acts were condoned by the Council, which took no remedial action to ensure the rule of law in that regard. It referred to Ethiopia’s presence in Badme and other areas north of the delimitation line as forcible occupation of sovereign Eritrean territory, and to Ethiopia’s disregard of the 2002 Council instructions to dismantle its illegal settlements [YUN 2002, p. 189]. Eritrea said it had suffered immeasurably from Ethiopia’s occupation of almost six years, which had held its people hostage, condemned them to live in makeshift camps under traumatic physical and psychological conditions, and hampered Eritrea’s development objectives, with resultant substantial losses to its economy.

Eritrea further said that the Council’s unwillingness to enforce the rule of law and to ensure respect for the sovereignty and territorial integrity of a UN Member State had compromised the Council’s credibility and legal and moral authority. Eritrea had shown maximum patience and restraint throughout the Ethiopian occupation; the measures it was taking to protect its sovereignty and territorial integrity were legal acts of self-defence, recognized as such by the Charter. It could not be blamed for the grave situation currently facing the region, and attempts by the Council to blame it were legally and politically unwarranted.

Eritrea attached its letters of 2 and 15 March 2004: the first reiterated its views on the appointment of the Special Envoy for Ethiopia and Eritrea [YUN 2004, p. 266], namely, that the appointment was tantamount to establishing a “new mechanism” that would only cause unnecessary complications; the second questioned the actions of the Special Envoy.

Ethiopia, on 31 October [S/2005/690], laid out its view on what it called Eritrea’s violation of the Agreement on Cessation of Hostilities between them. Ethiopia said its opinion of the 2002 delimitation decision by the Boundary Commission would never change: it was unfair, unjust and indefensible. Ethiopia recalled its repeated statement that its acceptance of the decision “in principle” did not mean a return to the drawing board, nor did it imply the introduction of a precondition; its request for dialogue on the implementation of the demarcation was consistent with international demarcation practice. The crisis between it and Eritrea did not grow out of their dispute over the boundary, and to claim that normalization and durable peace could be achieved only with the completion of the demarcation process, would be naive and dishonest; at the root of the crisis were more weighty issues that needed to be addressed. It was this conviction that prompted Ethiopia to present its comprehensive five-point peace proposal [YUN 2004, p. 271]. Despite Eritrea’s latest steps to cripple UNMEE and degrade its capacity for monitoring the Zone, Ethiopia reassured the troop-contributing countries and the Council that it would continue to do whatever was humanly possible to support
UNMEE to fulfil its obligation; it would not allow itself to be provoked by Eritrea.

**Fact-finding mission.** On 2 November [S/2005/694], the Security Council informed the Secretary-General that it had authorized Kenzo Oshima (Japan), in his capacity as Chairman of the Council’s Working Group on Peacekeeping Operations, to conduct a fact-finding mission in Ethiopia and Eritrea, from 6 to 9 November, regarding the current situation involving UNMEE.

In his report on the mission, transmitted to the Council on 16 November [S/2005/725], Mr. Oshima stated that he had exchanged views with UNMEE officials and those representing the troop contributors, as well as with the Foreign Minister of Ethiopia, in Addis Ababa, on 7 November; and with the Acting Commissioner of the Military Coordination Commission and the Director of the Office of the President of Eritrea, in Asmara, on 8 November. On his way to Asmara, he visited Sub-Sector East headquarters in Assab, Eritrea.

His discussions with Special Representative Legwaila and briefings from the Force Commander of UNMEE revealed that the situation was tense and potentially volatile, and could deteriorate further. Ethiopia had been reinforcing its military in areas adjacent to the Zone; Eritrea could be doing the same outside the Zone, which UNMEE could not verify owing to the restrictions imposed on it by Eritrea. The restrictions, especially the ban on helicopter flights, had reduced UNMEE’s monitoring capabilities by 60 per cent and seriously affected medical evacuations. UNMEE was concerned that, if the two sides continued to strengthen their military postures, a possible resumption of armed conflict through miscalculation could not be excluded. Troop contributing countries were unified in their appeal for the urgent removal of the restrictions. Many believed that UNMEE’s withdrawal would have devastating consequences.

The Foreign Minister of Ethiopia reiterated his country’s position as set out in his 31 October letter (above). In response to a request for clarification of Ethiopia’s acceptance “in principle” of the Boundary Commission’s delimitation decision, the Minister stressed that Ethiopia was not asking for partial or total renegotiation of the decision, but rather for implementation of the decision in a practical rather than in a mechanical manner, pointing to locations to be reviewed where Ethiopian and Eritrean communities would be affected. As to the Council’s concern over the situation in and around the Zone, he stated that Ethiopia would exercise maximum restraint; it would not be the first to fire nor would it allow itself to be provoked.

The Eritrean Director stressed that only the full and faithful implementation of the Boundary Commission’s decision could resolve the impasse. He criticized the Council for failing to compel Ethiopia to accept the border ruling, as provided for in the Algiers Agreements, and to proceed with demarcation without preconditions. He rejected the idea of a special envoy, as well as the expansion of the mandate of the Special Representative of the Secretary-General to include political matters. The Director took note of the Council’s concern over the situation, of Mr. Oshima’s urging for the exercise of maximum restraint, and of the issue of the risks to UNMEE personnel resulting from the helicopter flight ban. The Director pointed out that Ethiopia’s military build-up was provocative, and that a large number of Eritreans living near the border could be affected if armed conflict resumed because of the Council’s continuing failure to address the major issue of demarcation.

Mr. Oshima observed that, to avoid a resumption of hostilities, the Council needed to: give serious attention to the question of how to help break the stalemate between the two countries; consider a new resolution strongly urging Eritrea to lift its restrictions, and another urging Ethiopia to accept and implement fully the Boundary Commission’s decision; and ask the Secretary-General and the countries with influence on the two parties to launch a new series of vigorous diplomatic initiatives to break the stalemate. As the idea of a special envoy was unacceptable to one of the parties, diplomatic efforts should continue to engage both to end the crisis; a Council resolution in support of those efforts should be carefully crafted.

**SECURITY COUNCIL ACTION (November)**


The Security Council,

*Reaffirming all its previous resolutions and the statements by its President pertaining to the situation between Eritrea and Ethiopia, and the requirements contained therein, including in particular resolution 1622(2005) of 13 September 2005 and the statement by its President of 4 October 2005, Expressing once again its grave concern at the decision of the Government of Eritrea of 4 October 2005 to restrict all types of United Nations Mission in Ethiopia and Eritrea helicopter flights within Eritrean airspace or coming to Eritrea, effective from 5 October 2005, and the additional restrictions on the freedom of movement of the Mission imposed since then, which have serious implications for the ability of the Mission to carry out its mandate and for the safety of its staff and the forces of the troop contributors,*
Alarmed by the implications and potential impact of the aforementioned decision made and restrictions imposed by the Government of Eritrea with regard to the maintenance of peace and security between Eritrea and Ethiopia, and the principles governing United Nations peacekeeping operations,

Reaffirming the integrity of the Temporary Security Zone as provided for in the Agreement on Cessation of Hostilities of 18 June 2000, and recalling the objectives behind its establishment,

Stressing that lasting peace between Eritrea and Ethiopia, as well as in the region, cannot be achieved without the full demarcation of the border between the parties,

Expressing its grave concern at the Government of Ethiopia’s failure, to date, to accept without preconditions the implementation of the final and binding decision of the Eritrea-Ethiopia Boundary Commission of 13 April 2002,

Expressing its appreciation to Ambassador Kenzo Oshina for his visit to Ethiopia and Eritrea from 6 to 9 November 2005, in his capacity as Chairman of the Security Council Working Group on Peacekeeping Operations, taking note of his report, and welcoming the observations made therein,

Noting with deep concern the high concentration of troops on both sides of the Temporary Security Zone, and stressing that the continuation of the situation would constitute a threat to international peace and security,

1. Deeply deplores the continued imposition by Eritrea of restrictions on the freedom of movement of the United Nations Mission in Ethiopia and Eritrea, and demands that the Government of Eritrea reverse, without further delay or preconditions, its decision to ban Mission helicopter flights, as well as additional restrictions imposed on the operations of the Mission, and provide the Mission with the access, assistance, support and protection required for the performance of its duties;

2. Calls upon both parties to show maximum restraint and to refrain from any threat or use of force against each other, and demands that both parties return to the 16 December 2004 levels of deployment, beginning with immediate effect and completing this redeployment within thirty days, in order to prevent aggravation of the situation;

3. Requests the Secretary-General to monitor compliance by the parties with the demands in paragraphs 1 and 2 above and to report to the Security Council forty days after the adoption of the present resolution;

4. Expresses its determination to consider further appropriate measures, including under Article 41 of the Charter of the United Nations, if one or both parties fail to comply with the demands in paragraphs 1 and 2 above;

5. Demands that Ethiopia accept fully and without further delay the final and binding decision of the Eritrea-Ethiopia Boundary Commission and take immediately concrete steps to enable, without preconditions, the Commission to demarcate the border completely and promptly, and expresses its determination to monitor closely the actions of both parties in relation to the demarcation of the border and to keep this matter under consideration;

6. Expresses its deep appreciation for the contribution and dedication of the troop-contributing countries to the work of the Mission and, in the light of the risk of further deterioration of the situation, appeals to them to persevere in maintaining their presence and contribution to the activities of the Mission, despite the immense difficulties which they are facing;

7. Calls upon both parties to work, without preconditions, to break the current stalemate through diplomatic efforts;

8. Decides to remain actively seized of the matter.

Communications. Following adoption of the foregoing resolution, Eritrea issued a press release on 24 November [S/2005/737] accusing the Security Council of adopting yet another deplorable resolution on the Eritrea-Ethiopia conflict, which was lopsided in favour of Ethiopia. Eritrea recounted Ethiopia’s repeated violations of the comprehensive Peace Agreement and the Council’s failure in each case to exercise its responsibility and take remedial action, all of which had led to the stoppage of demarcation activities and closure of the Commission’s offices. Eritrea said that, in a perverted logic, the Council would not invoke, as it should, Chapter VII in the face of Ethiopia’s continued violation of the Peace Agreement and the Charter. It had chosen instead to focus on derivative and secondary clauses and arrangements to impose sanctions on Eritrea.

Ethiopia, commenting on resolution 1640 (2005), in a statement addressed to the Council on 9 December [S/2205/774], stressed that the on-going crisis had been created by Eritrea, which should not be rewarded for escalating tensions along the border. Ethiopia had reacted with consistent moderation in the face of Eritrea’s continuing bellicose actions. Unlike Eritrea, which had violated the integrity of the Temporary Security Zone, Ethiopia had no troops within the Zone, and its current troop deployment was fully consistent with its obligations under the Algiers Agreement. In the interests of peace, Ethiopia was prepared to redeploy its forces in compliance with paragraph 2 of the resolution, even if doing so could put its security at risk. Should Eritrea take advantage of that unilateral compliance and cause harm to Ethiopia’s security, Ethiopia was convinced that the Council would shoulder its responsibility by taking the necessary action.

Ethiopia wrote the Secretary-General, also on 9 December, to convey the same information.

Further report of Secretary-General. The Secretary-General later reported [S/2006/1] that, on 18 November, elements of Ethiopia’s armed forces took up position at Peak 885, a site inside the Temporary Security Zone in Sub-Sector East vacated by UNMEE the day before, but withdrew.
cember, the Secretary-General condemned the decision. In a statement issued on 7 December, the Russian Federation and United States nationality of the plan for redeploying its forces to the levels of military deployment within 30 days. Despite the objection of the parties, the Staff of UNMEE developed a monitoring and verification plan of the troops to be pulled back, and ascertained their presence at the forward positions and scheduled pull back. UNMEE confirmed the departures and, where possible, the arrivals at the designated pre-16 December 2004 locations; thereafter, it reconfirmed that each of the vacated locations had not been reoccupied by Ethiopia. The entire exercise was conducted by UNMEE military observers in cooperation with Ethiopian authorities. On 23 December, UNMEE confirmed that Ethiopia had completed the planned withdrawal of eight of its divisions from the forward positions. On the same date, Ethiopia informed the Council that it had responded “receptively” to the resolution; it would refrain from initiating any armed hostilities and would work to resolve its differences with Eritrea peacefully, adding, however, that “the range of possibilities open to Ethiopia” would be “limited” until Eritrea demonstrated a similar resolve, including normal diplomatic dialogue.

Eritrea reversed neither its ban on UNMEE helicopter flights nor the additional restrictions, as demanded by the resolution. Instead of providing the Mission with access, support and protection required for the performance of its duties, Eritrea had put in place additional restrictions on ground patrols, especially in large areas of Sector West and Sector Centre, where they were restricted to main roads and precluded from night patrolling. Challenge inspections were blocked by Eritrean militia at a number of locations. In Eritrea’s view, the demand for redeployment of troops to the 16 December 2004 levels did not apply to it. Eritrea had taken no observable steps towards such redeployment, and vacated military locations in areas adjacent to the Zone were presumed vacated by Eritrean troops for destinations undetermined by the Mission. At the same time, armed Eritrean personnel had been observed in 15 to 17 locations inside the Zone, in numbers ranging from 80 to 150 per location. Some who claimed to be militia refused to show identity cards. Eritrea insisted that it had no soldiers inside the Zone, merely some militia engaged in agricultural activities.

Implementation of Security Council resolution 1640(2005). The meeting of the Military Coordination Commission (Nairobi, 25 November) discussed the demands of resolution 1640(2005) on the parties, principally the lifting of all restrictions on UNMEE, the need to show maximum restraint and a return to the pre-16 December 2004 levels of military deployment within 30 days. While the Ethiopian delegation agreed to redeploy its troops accordingly, the Eritrean delegation argued that the provision did not apply to Eritrea as it had not moved any troops forward.

Upon Ethiopia’s presentation on 27 November of the plan for redeploying its forces to the levels specified, UNMEE developed a monitoring and verification plan of the troops to be pulled back, and ascertained their presence at the forward positions and scheduled pull back. UNMEE confirmed the departures and, where possible, the arrivals at the designated pre-16 December 2004 locations; thereafter, it reconfirmed that each of the vacated locations had not been reoccupied by Ethiopia. The entire exercise was conducted by UNMEE military observers in cooperation with Ethiopian authorities. On 23 December, UNMEE confirmed that Ethiopia had completed the planned withdrawal of eight of its divisions from the forward positions. On the same date, Ethiopia informed the Council that it had responded “receptively” to the resolution; it would refrain from initiating any armed hostilities and would work to resolve its differences with Eritrea peacefully, adding, however, that “the range of possibilities open to Ethiopia” would be “limited” until Eritrea demonstrated a similar resolve, including normal diplomatic dialogue.

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SECURITY COUNCIL ACTION (7 and 14 December)

On 7 December [meeting 5377], following consultations among Security Council members, the President made statement S/PRST/2005/59 on behalf of the Council:

The Security Council condemns the decision of the Government of Eritrea to request some members of the United Nations Mission in Ethiopia and Eritrea to leave the country within 10 days, effective from 6 December 2005, which is inconsistent with the obligations of the Government of Eritrea to
respect the exclusively international nature of the peacekeeping operation. In this regard, the Council unequivocally demands that Eritrea immediately reverse its decision without preconditions.

The Council recalls that, in its resolution 1640 (2005), it demanded that the Government of Eritrea reverse all restrictions imposed on the operations of the Mission.

The Council will be consulting on how to respond to this completely unacceptable action by Eritrea.

On 14 December [meeting 5326], following consultations among Council members, the President made statement S/PRST/2005/62 on behalf of the Council:

The Security Council has agreed, in consultation with the Secretary-General, to temporarily relocate military and civilian staff of the United Nations Mission in Ethiopia and Eritrea from Eritrea to Ethiopia. The Council intends to maintain a military presence of the Mission in Eritrea during the period in which it is reviewing future plans for the Mission.

The Council has approved this decision solely in the interests of the safety and security of Mission staff. The lack of cooperation with the Mission by the Eritrean authorities has produced conditions on the ground which prevent the Mission from implementing its mandate satisfactorily.

The Council strongly condemns Eritrea’s unacceptable actions and restrictions on the Mission, which have drastically reduced any meaningful operational capacity for the mission and will have, if they are sustained, implications for the future of the Mission. The Council recalls its demand, expressed in resolution 1640(2005), that Eritrea reverse such restrictions and provide the Mission with the access, assistance, support and protection required for the performance of its duties.

In this regard, the Council intends, with the Secretariat, to review promptly all options for the deployment and functions of the Mission in the context of its original purpose, its capacity to act effectively and the different military options available.

The view of the Council on the fundamental issue of implementation of the delimitation decision of the Eritrea-Ethiopia Boundary Commission remains unchanged and the Council emphasizes the urgent need for progress in implementation of the decision of the Boundary Commission.

**North Africa**

**Western Sahara**

For another year in 2005, the United Nations Mission for the Referendum in Western Sahara (MINURSO), established by Security Council resolution 690(1991) [YUN 1991, p. 794], continued in 2005 to monitor compliance with the 1991 formal ceasefire between Frente Polisario and Morocco [ibid., p. 796]. Monitoring was carried out by the Mission’s military observers through a combination of ground and air patrols and observation posts, and through inspections of larger-than-company-size military units of the Frente Polisario forces and the Royal
Moroccan Army (RMA). The main focus was on military activities close to the “berm” cutting across Western Sahara, extending from the north-east corner down to the south-west, near the Mauritanian border.

Military agreement No. 1, signed between MINURSO and separately with the parties [YUN 1999, p. 194], remained the basic legal instrument governing the ceasefire monitoring of the five parts into which, for operational purposes, the disputed Territory of Western Sahara was divided: one five-kilometre-wide buffer strip to the east and south of the berm; two restricted areas—one, 25 kilometres wide east of the berm and the other, 30 kilometres wide west of it; and two areas with limited restrictions that encompassed the remainder of the Territory. Bilateral military agreements Nos. 2 and 3 [YUN 1999, p. 181], committing both parties to cooperate with MINURSO in the exchange of mine-related information, marking of mined areas, and clearance and destruction of mines and unexploded ordnance, remained in force.

MINURSO maintained its headquarters in Laayoune, Western Sahara; a liaison office in Tindouf, Algeria, and nine military-observer team sites located across the Territory, four on the Moroccan-controlled side and five on the Frente Polisario side.

On the recommendation of the Secretary-General, the Council extended the mandate of MINURSO twice during the year, the first time until 31 October 2005 and the second until 30 April 2006.

Appointments. By an exchange of letters between the Secretary-General and the Security Council on 4 and 8 August [S/2005/51 & S/2005/52], Francesco Bastagli (Italy) was appointed Special Representative of the Secretary-General for Western Sahara and Head of MINURSO, with effect from 1 September.

By a further exchange of letters on 6 and 9 September [S/2005/570 & S/2005/571], Brigadier General Kurt Mosgaard (Denmark) was appointed Force Commander of MINURSO, from 12 September, to succeed Major General Gyorgy Szaraz (Hungary), who completed his tour of duty on 11 August.

Restructuring. During the year, MINURSO, in cooperation with the Department of Peacekeeping Operations, developed a new concept of operations that went into effect on 1 October, which fully integrated military and civilian activities so as to enhance the Mission’s operational effectiveness. The military structure was reorganized by closing two sector headquarters and redeploying their military observers to the nine team sites, thus increasing MINURSO’s patrol capabilities. The military headquarters was restructured to include a joint civilian-military mission analysis centre and a joint operations centre to enhance data collection and information management. Night observation patrols and temporary observation posts were to be introduced, for which night vision equipment would be provided.

A comprehensive review of the structure of the Mission’s administrative and other civilian components was also completed. Its recommendations included a reduction by 57 posts (47 international and 10 local), to be offset by the increase of 18 posts (international) and the creation of 24 United Nations Volunteer posts. The recommendations were to be phased in and completed by mid-2006.

Financing

The General Assembly, at its resumed fifty-ninth session, considered the performance report on the MINURSO budget for 1 July 2005 to 30 June 2006 [A/59/629], showing a total expenditure of $38,850,800 for the period out of an apportionment of $41,329,500, resulting in an unencumbered balance of $2,678,700; the MINURSO budget for 1 July 2005 to 30 June 2006 [A/59/629] showing estimated requirements of $46,328,400; and the related report of ACABQ [A/59/736/Add.5].

General Assembly Action

On 22 June [meeting 104], the General Assembly, on the recommendation of the Fifth Committee [A/59/839], adopted Resolution 59/308 without vote [agenda item 137].

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 1598(2005) of 28 April 2005,

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 58/309 of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 4744 (IV) of 27 June 1963, 310 (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 en-
able it to fulfil its responsibilities under the relevant
resolutions of the Security Council,
1. Requests the Secretary-General to entrust the
Head of Mission with the task of formulating future
budget proposals in full accordance with the provi-
sions of General Assembly resolution 59/296 of 22
June 2005, as well as other relevant resolutions;
2. Takes note of the status of contributions to the
United Nations Mission for the Referendum in West-
ern Sahara as at 15 April 2005, including the contribu-
tions outstanding in the amount of 43.1 million United
States dollars, representing some 7 per cent of the total
assessed contributions, notes with concern that only
sixty Member States have paid their assessed contribu-
tions in full, and urges all other Member States, in par-
cular those in arrears, to ensure payment of their out-
standing assessed contributions;
3. Expresses its appreciation to those Member States
that have paid their assessed contributions in full, and
urges all other Member States to make every possible
effort to ensure payment of their assessed contribu-
tions to the Mission in full;
4. Expresses concern at the financial situation with
regard to peacekeeping activities, in particular as re-
gards the reimbursements to troop contributors that
bear additional burdens owing to overdue payments by Member States of their assessments;
5. Also expresses concern at the delay experienced by
the Secretary-General in deploying and providing ade-
quate resources to some recent peacekeeping missions, in par-
cular those in Africa;
6. Emphasizes that all future and existing peace-
keeping 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. Requests its request to the Secretary-General to
make the fullest possible use of facilities and equip-
ment 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 implementa-
tion;
10. Requests the Secretary-General to ensure the full
implementation of the relevant provisions of its
resolution 59/296;
11. Decides that the posts of Chief of Staff, Legal
Officer, Information Officer, Assistant in Facilities
Management Services and Information Technology
Assistant, which are filled respectively at the levels of
D-1, P-4, P-3, G-7 and FS-5, shall be budgeted at those
levels, pending the management review;
12. Requests the Secretary-General to take all neces-
sary action to ensure that the Mission is administered
with a maximum of efficiency and economy;
13. 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 2003 to 30 June 2004

14. Takes note of the report of the Secretary-General
on the financial performance of the Mission for the pe-
riod from 1 July 2003 to 30 June 2004;
Budget estimates
for the period from 1 July 2005 to 30 June 2006

15. Decides to appropriate to the Special Account for
the United Nations Mission for the Referendum in
Western Sahara the amount of 47,948,400 dollars for
the period from 1 July 2005 to 30 June 2006, inclusive
of 45,540,400 dollars for the maintenance of the Mis-

16. Also decides to apportion among Member States the
amount of 15,982,800 dollars for the period from 1
July to 31 October 2005, in accordance with the levels
updated in General Assembly resolution 58/256 of 23
December 2003, and taking into account the scale of
assessments for 2005 as set out in its resolution 58/1 B
of 23 December 2003;
17. Decides further that, in accordance with the pro-
visions of its resolution 973(X) of 15 December 1955,
there shall be set off against the apportionment among
Member States, as provided for in paragraph 16 above,
their respective share in the Tax Equalization Fund of
960,000 dollars, comprising the estimated staff assess-
ment income of 860,000 dollars approved for the Mis-
ion, the prorated share of 92,767 dollars of the esti-
mated staff assessment income approved for the sup-
port account and the prorated share of 11,833 dol-
ars of the estimated staff assessment income approved
for the United Nations Logistics Base;
18. Decides to apportion among Member States the
amount of 31,965,600 dollars for the period from
1 November 2005 to 30 June 2006, at a monthly rate of
3,995,700 dollars, in accordance with the levels up-
dated in General Assembly resolution 58/256, and tak-
ing into account the scale of assessments for 2005 and
2006 as set out in its resolution 58/1 B, subject to a de-
cision of the Security Council to extend the mandate
of the Mission;
19. Decides also that, in accordance with the provi-
sions of its resolution 973(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 1,881,200 dol-
ars, comprising the estimated staff assessment income
of 1,672,000 dollars approved for the Mission, the pro-

20. Decides further 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 16 above, their respective share of the unencumbered balance and other income in the total amount of 3,872,700 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B:

21. **Decides** 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 3,872,700 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 20 above;

22. **Decides also** that the decrease of 598,200 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be set off against the credits from the amount of 3,872,700 dollars referred to in paragraphs 20 and 21 above;

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

24. **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, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502 (2003) of 26 August 2003;

25. **Decides** 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;

26. **Decides** to include in the provisional agenda of its sixty-sixth session the item entitled “Financing of the United Nations Mission for the Referendum in Western Sahara”.

In December [A/60/654], the Secretary-General submitted the performance report on the MINURSO budget for 1 July 2004 to 30 June 2005.

**Peacemaking efforts**

In response to Security Council resolution 1570 (2004) [YUN 2004, p. 277], the Secretary-General submitted three interim reports during the year on the evolving situation concerning Western Sahara and the status of MINURSO as it related to the political and operational environment. The reports consistently noted that Western Sahara and Morocco remained deadlocked regarding the 2003 peace plan for self-determination for the people of Western Sahara [YUN 2005, p. 259]. They also underscored the continued support and cooperation provided by the AU to MINURSO throughout the reporting periods.

**Report of Secretary-General (January).** In his January report [S/2005/49], the Secretary-General stated that MINURSO continued its ground and air patrols to visit and inspect units larger than company size of RMA and Frente Polisario military forces, in accordance with military agreement No. 1 (see p. 364). Both forces continued to conduct routine maintenance and training activities. Frente Polisario remained insistent on limiting the Mission’s ground and air patrolling of the Territory east of the berm, which it controlled. A smaller-than-company-size Frente Polisario unit was observed in the area known as Spanish fort within the restricted area east of the berm, as were activities to enhance RMA radar monitoring capability along the berm. Those actions were undertaken ostensibly to deter the movement of illegal migrants and smugglers. MINURSO drew the parties’ attention to the prohibitions under the agreement of troop movements and tactical reinforcement of equipment within the restricted areas. The parties agreed in principle to inform MINURSO in detail of their proposed actions to address the problem of illegal migration and to cooperate with it to diminish any possible friction between them as a result of such actions.

Because of the significant increase in the smuggling of migrants through Western Sahara in the previous two years, the parties had requested the Mission to increase its patrolling of known smuggling routes. The International Organization for Migration (IOM) confirmed, on 3 November, the successful repatriation to Bangladesh and India of 23 migrants found near Mijek in 2004. Frente Polisario informed the Mission that of the 21 migrants found near Tifariti, it had released 20, who were Pakistanis, to the border with Mauritania; arrangements for the repatriation of the remaining migrant, a Bangladeshi, were under consideration.

A relief and recovery programme for Western Saharan refugees, budgeted at some $40 million for the two-year period from September 2004 to August 2006, continued to be carried out by the World Food Programme (WFP). WFP and the Office of the United Nations High Commissioner for Refugees (UNHCR) had been increasing their monitoring and logistical capacity in the Tindouf refugee camps, a programme to which the EU had contributed 5.5 million euros.

An evaluation of the pilot phase (March-August 2004) of the confidence-building programme, led by UNHCR with MINURSO support and aimed at facilitating person-to-person contacts between the refugees in the Tindouf camps and their relatives in the Territory, yielded positive results. The parties expressed support for continuing the exchange of family visits and telephone service under existing arrangements. Since its inception in March 2004, a total of 1,476 persons, 754 from the refugee camps and 722
from the Territory, had benefited from the programme.

The Secretary-General noted that the 1991 ceasefire continued to be respected by the parties and monitored by MINURSO to the extent of its ability. He remained concerned, however, that the prolonged political deadlock might lead to a deterioration of the situation in Western Sahara. In that regard, he would examine the parties’ reiteration of their desire for increasing the Mission’s strength and reinforcing its patrolling capacity.

Report of Secretary-General (April). According to the April report of the Secretary-General [S/2005/254], Morocco protested the occasional demonstrations in the buffer strip by Frente Polisario civilian supporters (mainly from outside the region) allegedly escorted by armed military personnel. For its part, Frente Polisario protested the alleged shooting of a civilian from across the berm and the mistreatment of clandestine migrants by Morocco. Investigation of the allegations by MINURSO were inconclusive. In March, MINURSO completed a database of the parties’ compliance with the military agreements that facilitated the tracking and analysis of information obtained by military observers. In that regard, MINURSO confirmed that compliance with military agreement No. 1 had seriously deteriorated. RMA continued installing and upgrading its radar and surveillance capability in over 40 locations along the entire length of the berm, improving its defence infrastructure, including constructing a second strand of the berm, and conducting live-fire military exercises that occasionally extended to the restricted areas towards the north-east corner of the Territory. Frente Polisario continued deployment of a unit of armed personnel with anti-aircraft weapons in the Spanish fort, repeated incursions into the buffer strip by vehicles carrying armed military personnel, and restricting the Mission’s freedom of movement. Both parties, instead of submitting prior notifications or requests for engaging in regulated or restricted actions, submitted their requests after the fact.

In addition to the continuing cooperation of the parties with MINURSO in marking and disposing of mines and unexploded ordnance, MINURSO was cooperating with the Geneva International Centre for Humanitarian Demining to develop an information management system for mine action and a comprehensive database to support a wider mine action campaign.

On 22 March, MINURSO transported the Bangladeshi found in the Tifariti area (above) to Mauritania, where he was transferred to IOM for repatriation; it visited an additional 46 migrants, reportedly from Bangladesh, also stranded in Tifariti since April. MINURSO’s capacity to assist in the repatriation operation of illegal migrants was limited to lending logistical support on a humanitarian basis.

A joint WFP and UNHCR monitoring mission (5-12 March) to the Tindouf refugee camps was organized to look into the recurrent breakdown of food distribution mechanisms there. Together with MINURSO, the two agencies also facilitated a visit by donors (16-19 March).

In early January, following consultations with the Special Representative, UNHCR submitted a new action plan for implementing the 2005 phase of the confidence-building measures programme. UNHCR hosted a donors meeting (Geneva, 3 February), which by the reporting date had resulted in $1.8 million in contributions received and pledged. Frente Polisario and Algeria had approved the plan, while Morocco intended to consider it further.

The Secretary-General expressed concern at the scale of the violations of military agreement No. 1 and felt the need for the parties to reconfirm their commitment to the ceasefire and military agreements. He also registered his concern over the recently reported statement by the Frente Polisario leadership that a “return to arms” might be “closer than ever”. In view of the gravity of some of the violations described, consideration could be given to strengthening MINURSO. He therefore recommended the extension of its mandate for a further six months, to 31 October 2005.


The Security Council,
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,
Urging the Frente Popular para la Liberación de Segui El-Hamra y de Rio de Oro to release without further delay all remaining prisoners of war in compli-
ance with international humanitarian law, and calling upon Morocco and the Frente Popular para la Liberacion de Saguía El-Hamra y de Río de Oro to continue to cooperate with the International Committee of the Red Cross to resolve the fate of persons who are unaccounted for since the beginning of the conflict.

Having considered the report of the Secretary-General of 19 April 2005, and taking note of his interim report of 27 January 2005,

1. **Decides** to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 October 2005;

2. **Affirms** the need for full respect of the military agreements reached with the Mission with regard to the ceasefire;

3. **Calls upon** Member States to consider voluntary contributions to fund confidence-building measures that allow for increased contact between separated family members, especially family reunification visits;

4. **Looks forward** to receiving the results of the comprehensive review of the structure of the administrative and other civilian components of the Mission, as outlined in the report of the Secretary-General of 19 April 2005;

5. **Requests** that the Secretary-General provide a report on the situation concerning Western Sahara before the end of the mandate period;

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

**Personal Envoy of Secretary-General.** By an exchange of letters between the Secretary-General and the Security Council on 25 and 28 July [S/2005/497 & S/2005/498], Peter van Walsum (Netherlands) was appointed Personal Envoy of the Secretary-General for Western Sahara to help assess the situation and to explore how best to overcome the current political impasse. As a first step, the Secretary-General requested his Personal Envoy to establish contacts with the parties, neighbouring States and other stakeholders to ascertain their views on the best way forward.

As later reported by the Secretary-General [S/2006/289], the Personal Envoy, following his preliminary discussions in New York with representatives of the two parties and of Algeria and Mauritania, undertook an exploratory mission to the region from 11 to 17 October.

The Personal Envoy informed the Secretary-General that there continued to be a total lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination. Morocco had reiterated it would not accept a referendum that would include the option of independence; it strongly advocated negotiations with a view to achieving a just, lasting and mutually acceptable political solution, but made clear that negotiations would have to be about the autonomy status of Western Sahara.

The position of Frente Polisario, with the general support of Algeria, was that the only way forward was to implement either the 2003 peace plan for the self-determination of the people of Western Sahara or the 1991 settlement plan [YUN 1991, p. 791], both of which provided for self-determination through a referendum, with independence as one of the options. Any other course would not be acceptable to Frente Polisario. Mauritania reiterated its strict neutrality.

On his return from the region, the Personal Envoy held consultations with authorities in Madrid, Paris and Washington, D.C., on 18, 22 and 25 October, respectively.

**Communications.** Morocco, on 23 September [S/2006/692], drew attention to continued grave violations of the rights of thousands of Moroccan detainees in prison and civilians in camps in Algeria, the country of asylum. Apart from its limited presence in the refugee camps, UNHCR had been unable to conduct a census of that population because Algeria made such a census conditional upon the settlement of the Western Sahara dispute. Morocco spoke of the existence of detention centres and military barracks within the camps and of peoples held hostage there in violation of the principles governing the right of asylum. As to the photographic montages made of inmates in Laayoune prison, Morocco said they were the manipulated images of persons imprisoned for such crimes as homicide, rape or drug trafficking, and were part of a propaganda campaign against it.

Algeria, on 26 September [S/2005/605], referred to Morocco’s letter as directly or tacitly implicating Algeria in some aspects of the Western Sahara conflict. It said that Morocco, caught in the act of repressing Sahrawi civilians and accused by NGOs and the international media of grave crimes and acts of torture against Sahrawi political prisoners, was reacting like any occupying or colonial power by cordoning off the Territory it had been occupying since 1975 and prohibiting by military force NGOs, the media, outside observers and parliamentarians from entering the Territory. Regarding the “thousands of Moroccan civilians still in the camps”, Algeria said they included Sahrawi refugees duly identified as such by UNHCR who had had no choice but to flee from their occupied homeland and to whom Algeria had generously offered asylum.

Algeria noted that, given the very serious situation prevailing in Western Sahara, where 151 POWs were being held by Morocco, several hundred Sahrawi civilians remained missing, and 37 prisoners had been staging a hunger strike since 8 August (see below) to obtain political prisoner status, it called on the Security Council to appeal to Morocco concerning the disappeared Sahrawi civilians and the plight of the 37 political prisoners. It should not allow Morocco to stall progress.
indefinitely, paralyse the Organization and frustrate the hopes of the international community.

**Report of Secretary-General (October).** In his October report [S/2005/69], the Secretary-General stated that there had been some unrest in the Territory, where several demonstrations were organized in Laayoune and other main towns in support of the self-determination of Western Saharan and respect for their human rights. Violent confrontations between the demonstrators and the Moroccan security forces ensued, resulting in arrests and detentions. A number of detainees went on a hunger strike from early August to 29 September. Tensions ran particularly high following the death of a demonstrator from injuries inflicted by police during a 29 October protest in Laayoune. Two police officers involved in the incident were being held pending completion of a judicial inquiry by Morocco into the circumstances surrounding that death.

In response to the demonstrations, Morocco increased its security and police presence in all the main towns of the Territory and, in December, deployed army troops there for the first time since 1999. In letters of 17 November and 14 and 20 December to the UN Secretary-General, the Frente Polisario Secretary-General called on the United Nations to intervene to protect the Saharan citizens and guarantee their human rights, condemned the intervention of the Moroccan police and military in the demonstrations and warned that deployment of the troops to Western Sahara constituted a dangerous development that could lead to deadly confrontations between Moroccan and Saharan civilians.

New violations of military agreement No. 1 occurred during the reporting period. From 14 April to 14 September, MINURSO observed 13 violations by RMA and 10 by Frente Polisario. They included brief incursions into the buffer strip by armed elements from both sides, construction of new physical structures and movement of military units without prior notification or MINURSO approval. MINURSO pointed out that the civilian demonstrations by Frente Polisario supporters in the buffer strip, while not constituting a breach of the agreement, contributed to increased tensions along the berm.

In keeping with military agreements Nos. 2 and 3, the parties continued to extend a high level of cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance. Between the first and third reporting periods, MINURSO had discovered and marked 407 of such items and monitored the destruction of 3,693. In addition, it monitored 54 disposal operations, all carried out by RMA.

One of the most painful chapters of the Frente Polisario-Morocco conflict was brought to a close on 18 August, when, through the mediation of the United States, Frente Polisario released the last 404 Moroccan POWs in its custody to ICRC for repatriation to Morocco. ICRC continued to pursue the question of persons who remained unaccounted for as a result of the conflict.

With regard to assistance to Western Saharan refugees, by a joint UNHCR-WFP decision communicated to Frente Polisario and to Algeria, as the country of asylum, the number of assisted beneficiaries was reduced from 158,000 to 90,000 as at 1 September, with assistance targeted to the most vulnerable of the population in the Tindouf refugee camps. That number would be used for planning purposes, pending a comprehensive registration of the refugee population. While donor support for humanitarian programmes had risen to over $5 million in 2005, additional international assistance would be required to provide supplementary food to improve the health of the refugees.

The exchange of family visits between the Territory and the Tindouf refugee camps under the confidence-building programme did not resume during the reporting period. Although Frente Polisario and Algeria had approved the action plan for the 2005 phase, Morocco had suggested some amendments that were discussed with UNHCR, after which Morocco accepted the plan; the programme was to resume in early November.

The Secretary-General expressed concern over the alleged human rights abuses in the Territory and in the Tindouf refugee camps (see p. 368). He pointed out that MINURSO had neither the mandate nor the resources to address the issue, but the High Commissioner for Human Rights intended to approach the parties and Algeria, as the country of asylum, with a view to exploring what action might be taken in that regard.

In the belief that MINURSO continued to play an important role in monitoring the ceasefire and stabilizing the situation on the ground, the Secretary-General recommended that its mandate be extended for a further period of six months, until 30 April 2006.

**SECURITY COUNCIL ACTION (October)**


*The Security Council, Recalling all its previous resolutions on Western Sahara, including resolutions 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 the purposes and principles of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect,

Requesting the Secretary-General to provide a report on the situation concerning Western Sahara by 30 April 2006;

Reaffirming further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Council approved the settlement plan for 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 2003,

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 proposal made by the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Underlining, 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 and his Personal Envoy 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. Underlines also that the parties reacted differently to this plan;
4. Continues to support strongly the efforts of the Secretary-General and his Personal Envoy to achieve a
mutually acceptable political solution to the dispute over Western Sahara;
5. Commends the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provide for those efforts;
6. Calls upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;
7. Reaffirms the responsibility of the United Nations towards the people of Western Sahara;
8. Calls upon the parties for the spirit of cooperation they have shown in their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;
9. 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 sixty-first session;
10. Invites the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution.

Other issues

Zimbabwe

In May, the Government of Zimbabwe launched a clean-up operation of its cities known as Operation Murambatsvina (Operation Restore Order), designed to stop all forms of alleged illegal activities in areas such as vending, illegal structures, illegal cultivation, among others, in its cities. The number of people affected by the Operation was estimated at 2.4 million, with some 700,000 having lost their homes. The campaign was condemned by several UN Member States, Zimbabwean opposition parties, church groups and NGOs.

Concerned by the adverse impact of the Operation on the lives of the urban poor, on 20 June, the Secretary-General appointed Anna Kajumulo Tibajuka, Executive Director of the United Nations Human Settlement Programme (UN-Habitat), as his Special Envoy to lead a fact-finding mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina. The Special Envoy visited Zimbabwe between 26 June and 8 July. The mission reported that the Operation was carried out in an indiscriminate and unjustified manner. The humanitarian consequences were enormous and any humanitarian response would only be meaningful if it contributed to long-term recovery and reconstruction efforts. The mission made a number of recommendations for the Government of Zimbabwe, the United Nations and the wider international community to address the situation.

Communication (July). On 26 July [S/2005/490], Australia, Canada and New Zealand expressed concern at the growing humanitarian and human rights crisis in Zimbabwe. They said that the report of the Secretary-General’s Special Envoy had documented the failure of the Government of Zimbabwe to protect its people and was responsible for the situation. The Government had to take urgent action to implement the recommendations contained in the Special Envoy’s report. However, they noted that the reaction of the Government of Zimbabwe to the report gave little confidence that it would do so. Noting that the report stated that there would be far-reaching and long-term social, economic, political and institutional consequences, the three States were of the view that for too long the United Nations had been unable to take up the deteriorating situation in Zimbabwe and called on the Security Council to be seized of the situation as a matter of urgency and to engage actively with the Government of Zimbabwe to bring the situation to an end.

Security Council consideration. On 27 July [meeting 5237], at the request of the United Kingdom [S/2005/485, S/2005/489], the Council met in a closed session to hear a briefing by the Secretary-General’s Special Envoy. The representative of Zimbabwe was invited to participate in the meeting. At the request of the Russian Federation, the agenda was put to the vote and was adopted by a vote of nine in favour, five against and one abstention.

Communications. In a 31 October press statement (SG/SM/1085), the Secretary-General said that he remained concerned by the humanitarian crisis in Zimbabwe as the United Nations continued to receive reports that tens of thousands of people were still homeless and in need of assistance, months after the May eviction campaign. He was dismayed to learn of the Government’s rejection of offers of UN assistance and its claim that there was no humanitarian crisis and that its interventions had addressed the most urgent needs. The Secretary-General noted that the Government’s decision to decline assistance was despite extensive consultations on relief with the United Nations. In the light of the impending rainy season, he appealed to the Government to ensure that those who were out in the open without shelter and means of sustaining their livelihoods were provided with humanitarian assistance in collaboration with the United Nations and the humanitarian community in Zimbabwe to bring the situation to an end.
order to avert a further deterioration of the humanitarian situation.

The European Union (EU), in a 7 November statement of its Presidency [S/2005/712], noted the Secretary-General's statement and shared his concern over the grave humanitarian situation in Zimbabwe. It called on the Government of Zimbabwe to work with the United Nations and the international community to get aid and shelter to those in need and to implement all the recommendation contained in the report of the Secretary-General’s Special Envoy (see above).

In another statement issued on 19 December [S/2005/830], the EU Presidency welcomed the visit (3-7 December) to Zimbabwe by the United Nations Under-Secretary-General for Humanitarian Affairs, Jan Egeland, and the agreements signed by UN agencies and Zimbabwe for food assistance and HIV/AIDS programmes. It noted the exchanges between the United Nations and Zimbabwe over the need for assistance with shelter. The EU called on Zimbabwe to build on those efforts and to allow the United Nations and other international donors unrestricted access in order to provide urgently needed humanitarian assistance.

Mauritania

Mauritania, on 31 May [S/2005/362], drew the attention of the Security Council to arrests it had made of a number of Islamic extremists in the country, from whom it had elicited information that Mauritanian youths had been trained outside the country by the Algerian Salafist Group for Preaching and Combat, which had ties to an international terrorist network connected with Al-Qaeda. Some of the trainees had returned to the country, while others were still in training.

Mauritania further transmitted a press release on 6 June [S/2005/574], reporting an armed attack by the Salafist Group on a national army unit in the village of Limhheiti, killing 15 soldiers and wounding 17 others; two were missing. It also reported that, of 20 Mauritanians recently trained by the Group, 10 had returned to the country, 7 of whom were arrested and 3 were at large.

By a statement issued on 4 August [SG/SM/10050], the Secretary-General condemned the coup d’état in Mauritania the previous day, ousting President Maaouya Ould Sid’ Ahmed Taya. The Secretary-General called for the restoration of constitutional order and underlined the need for the full respect for human rights and the rule of law.

The AU Peace and Security Council, by a communiqué issued at its thirty-seventh meeting (Addis Ababa, Ethiopia, 8 September) [S/2005/581], stated that it took note of developments since the 3 August coup and the commitments made by the new Mauritanian authorities towards the swift restoration of constitutional order through a process that should culminate in presidential and legislative elections before 3 August 2007.

Cooperation between the AU and the UN system

On 17 October 2005 [meeting 5282], during consideration by the Security Council of the question of cooperation between the United Nations and regional organizations in maintaining peace and security (see p. 96), the Secretary-General welcomed the commitment by the 2005 World Summit to support a 10-year programme aimed at strengthening the capacity of the AU (see p. 39).

The representative of the Chairperson of the African Union Commission said that cooperation between the AU and the United Nations was both political and economic and based on a number of agreements and resolutions, citing UN collaboration with the AU and subregional organizations, such as the Economic Community of West African States, in addressing conflict prevention and peacekeeping operations on the African continent, and on the ongoing crises in Côte d’Ivoire, the Sudan and Somalia. He called for increased support for the consolidation of the African Union Commission in terms of long-term consultants and training programmes, strengthening the organs of the AU and establishment of specialized committees to enable the AU to perform effectively in the area of regional stabilization. He said that regional stabilization was about, among other things, effective conflict management and resolution. Thus, in welcoming the Summit commitment to address the special needs of Africa (see p. 57), the AU representative said that the stabilization of the continent required the swift implementation of the measures proposed to that end.