Asia and the Pacific

In 2005, the United Nations continued to face great political and security challenges in Asia, especially in Afghanistan and Iraq, in its efforts to restore peace and stability, and promote economic and social development in that region.

In Afghanistan, the political transition provided for under the Bonn Agreement [YUN 2000, p. 263] was completed with the holding of parliamentary and provincial council elections on 18 September and the inauguration of the National Assembly on 19 December. In recognition of the fact that Afghanistan would require international assistance to meet security, economic and humanitarian challenges, the Afghan Government and the United Nations, following the parliamentary elections, initiated consultations with international actors to reach a consensus on the strategy to address them.

The International Security Assistance Force (ISAF), a multinational force established by Security Council resolution 1386(2001) [ibid., p. 267], continued to assist the Afghan Government in the maintenance of security in Kabul and its surrounding areas. The North Atlantic Treaty Organization (NATO) continued its role as lead command for ISAF throughout 2005. In December, NATO adopted a revised ISAF operational plan, which expanded its presence to the southern regions of Afghanistan.

The Economic and Social Council, in July, adopted resolution 2005/8 on the situation of women and girls in Afghanistan (see p. 1259).

Nowhere were the stakes higher and the challenges to global peace and security greater than in Iraq. The United Nations continued to promote an inclusive, participatory and transparent political transition process, despite great security constraints due to an ever increasing level of violence.

During the year, the Iraqi people exercised their right to vote on three different occasions. In January, elections for the Transitional National Assembly, 18 governorate councils and the Kurdistan National Assembly took place. Following the election, Ibrahim al-Jaafari was elected Prime Minister of the Iraqi Transitional Government. The constitutional referendum was held on 15 October, resulting in the adoption of a new constitution, and on 15 December, elections were held for a new Parliament, the Council of Representatives. Though final elections results were expected to be announced in January 2006, the transition timetable set forth in the Transitional Administrative Law and endorsed by resolution 1546(2004) was completed with the holding of those elections. However, while Iraq met all the key benchmarks of that timetable, it continued to face formidable political, security and economic challenges. The political transition was accompanied by an increasingly sophisticated and complex insurgency, underscored by high levels of ethnic and sectarian violence, intimidation and murder, including the assassination of foreign diplomats. The security environment constrained both the UN presence and its ability to operate effectively in Iraq. UN staff continued to rely to a large degree on the multinational force for security and information.

The high-level Independent Inquiry Committee of the Iraq oil-for-food programme, headed by Paul A. Volcker, reported evidence of misadministration in the programme and of corruption within the United Nations and by affiliated contractors. The Committee also found that the programme’s general management was characterized by weak administrative practices and inadequate control and auditing. The Committee, however, did note that the programme succeeded in restoring minimal standards of nutrition and health in Iraq, while helping to maintain the in-
ternational effort to prevent the former regime of Saddam Hussein from acquiring weapons of mass destruction. The Secretary-General took full responsibility for his personal failings, as well as the Organization’s.

With the establishment of two liaison detachments in Basra and Erbil, the United Nations Assistance Mission for Iraq (UNAMI) continued to operate from three countries, with offices in Baghdad, Amman, Jordan, and Kuwait City. Given the prevailing security situation inside Iraq, UNAMI relied on the Multinational Force for logistical support and personnel security.

The United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency continued to assess material that was in the public domain pertaining to Iraq’s alleged weapons of mass destruction.

Despite greater cooperation from the Iraqi authorities, progress towards the resolution of the issue of the repatriation and return of all Kuwaiti and third-country nationals or their remains was slow. Kuwait continued to face no small task in locating mass graves and in recovering mortal remains.

In 2005, Timor-Leste continued to strengthen its national institutions with help from the United Nations Mission of Support in East Timor (UNMIT) and the newly established United Nations Office in Timor-Leste (UNOTIL). As State institutions and security structures were not yet strong enough to stand alone at the close of UNMIT’s mandate on 20 May, UNOTIL was created as a follow-on mission, with a scaled-down structure, for a period of one year, to support and monitor progress in the development of critical state institutions and to observe democratic governance and human rights. After a law on restructuring the Government was promulgated, a new Government was selected and sworn in on 28 July. Local elections were completed in all 13 districts. UN support of the seriously impaired systems was still not yet strong enough to stand alone at the close of UNMIT’s mandate.

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The Papua New Guinea province of Bougainville made significant progress towards the fulfillment of the 2001 Bougainville Peace Agreement. With the support of the United Nations Observer Mission in Bougainville (UNOBM), the weapons disposal process was completed and elections to establish the first Autonomous Bougainville Government were held. Joseph C. Kabui, former President of the Bougainville’s People’s Congress, was elected to the presidency. Following the elections, UNOBM’s mandate, having been fully implemented, was terminated on 30 June.

Among other concerns in the region brought to the attention of the United Nations, were growing instability in Central Asia; developments in the Democratic People’s Republic of Korea; the situation in Myanmar; tensions in Nepal; and the issue of the Greater Tumb and Abu Musa islands in the Persian Gulf. The activities of the United Nations Tajikistan Mission of Support in Afghanistan (UNAMA) were extended for another year, until 1 June 2006, in order to continue to support Tajikistan in its post-conflict peacebuilding efforts. The General Assembly adopted a resolution welcoming Mongolia’s efforts to celebrate its eight hundredth anniversary of statehood in 2006, emphasizing the concept of dialogue among civilizations.

### Afghanistan

**Implementation of the Bonn Agreement**

In 2005, the United Nations continued to assist the Government of Afghanistan in implementing the 2001 Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement) [YUN 2001, p. 263], with support provided by the United Nations Assistance Mission in Afghanistan (UNAMA), under the direction of the Special Representative of the Secretary-General and Head of Mission, and by the International Security Assistance Force (ISAF), led by the North Atlantic Treaty Organization (NATO). Implementation of the Bonn process was completed with the holding of parliamentary elections on 18 September.

The Secretary-General submitted two progress reports to the General Assembly and the Security Council on the implementation of the Bonn Agreement and on UNAMA activities for the period from January to August [A/59/744-S/2005/183, A/60/224-S/2005/525]. Developments for the latter part of the year were contained in a later report [A/60/712-S/2006/145]. ISAF activities were reported to the Council by the NATO Secretary-General through the UN Secretary-General [S/2005/131, S/2005/230, S/2005/431, S/2005/634]. The Council extended UNAMA’s mandate until 24 March 2006 (resolution 1589(2005)) (see p. 400) and ISAF’s
authorization until 13 October 2006 (resolution 1623(2005)) (see p. 409).

On 21 December, the Council took note of the Secretary-General’s intention to appoint Tom Koenigs (Germany) as his Special Representative for Afghanistan and Head of UNAMA to replace Jean Arnault (France) [S/2005/889, S/2005/820].

Security Council consideration (January). At the Security Council’s 10 January meeting [meeting 5180] to discuss the situation in Afghanistan, the Special Representative of the Secretary-General, in his briefing on developments in Afghanistan and plans for the coming months, said that the 2004 presidential elections and the appointment of a cabinet [YUN 2004, p. 321] had given a new momentum to the Afghan Peace process. Afghans and the international community had to take full advantage of that circumstance to move the Bonn Agenda forward and fulfil as much as possible, in 2005, the broad objectives of the transition. He noted that parliamentary elections were expected to take place between 21 April and 21 May, following the establishment of the Independent Electoral Commission (see below). In order to meet the April-May target date, the Government and the electoral authorities had to decide on: the participation of refugees and nomads; the demarcation of district boundaries; the population figures for each province; the preparation of voter lists; and the revision of the electoral law. The most urgent of those decisions concerned the assignment of population settlements to districts, a task which, under the electoral law, had to be completed 120 days before election day. The Ministry of Interior indicated that good progress had been made in that regard.

With regard to the management of the electoral process, the United Nations had streamlined international support, with United Nations Development Programme (UNDP) overseeing trust fund management and donor relations, in addition to supporting electoral observation, and the United Nations Office for Project Services (UNOPS) acting as executing agency for all budget lines. It was estimated that between $120 and $150 million would be needed to cover the three elections, with an additional $30 million if it was decided to hold out-of-country elections as well.

On the issue of security, the national army and professional police would be deployed for the parliamentary elections, for which close to 400 district elections would need to be secured. The strength of the Afghan National Army (ANA) was expected to increase from 28 to 32 battalions by April and to 39 by July, and that of the Afghan National Police (ANP) from approximately 30,000 to more than 45,000 members by July. International forces would provide security and back up national agencies. The United Nations Country Team carried out a comprehensive security assessment to ascertain the type of security challenges that the United Nations itself would be facing. It concluded that, as the security situation remained very diverse in different parts of the country, adequate measures had to be taken to provide UN agencies and electoral operations with access to risk-prone regions.

The narcotics industry and the accompanying corruption remained one of the biggest threats to the building of an effective, democratic Afghan State and to the country’s long-term peace and stability. The central Government had shown a commitment to tackling the problem through the establishment of the new Ministry of Counternarcotics, and the launch of the national narcotics eradication programme [YUN 2004, p. 328], which was to focus on seven key provinces. To counterbalance the potentially negative impact of eradication initiatives, it was critical that alternative livelihood programmes be strengthened and made known to affected communities, and that the Government develop further its counternarcotics public information campaign through traditional and community-based channels.

Disarmament, demobilization and reintegrations had been a key consideration in deciding the date and modalities of the elections. That concern applied particularly to local elections, where a web of political interests and armed groups could significantly distort the electoral process.


The overall security situation was relatively calm for almost four months as the severe winter season significantly impeded the operations of extremists, terrorists, factional forces and criminal elements. In areas least affected by winter conditions, particularly the south-eastern and southern regions, coalition forces, ANA and Government institutions continued to be targeted by extremists employing anti-tank mines, small unit ambushes and rocket attacks. The Afghan Government, with international community
support, had to tackle the problem of illegal armed groups operating throughout the country, which included ex-combatants from demobilized units who did not enter the disarmament, demobilization and reintegration process. Those groups perpetuated the drug industry, imposed illegal taxes on individuals in reconstruction programmes and impeded the progress of State expansion. Through a pilot project under the leadership of the National Security Council, UNAMA was working with national and international security agencies to map and categorize more than 1,000 such groups.

The training of the reformed ANA continued to make progress, but sustaining an effective police force proved challenging. Key areas yet to be effectively addressed included: in-depth reform and expansion of the structure of the police force, and post-deployment monitoring. Measures were also required to identify and exclude corrupt and anti-government elements in the force.

The Secretary-General observed that a number of post-conflict peacebuilding tasks had yet to be fulfilled, including the restoration of countrywide security, the full resettlement of refugees and internally displaced persons, the rehabilitation of key economic and social infrastructure and the establishment of functional State institutions across the country. Some of the important tasks relating to post-conflict rehabilitation had hardly started, such as the settlement of conflicting land claims, property rights, national reconciliation, and transitional justice.

Implementation of the Bonn Agreement would be complete with the holding of elections later in 2005, but in order to move forward with the next phase of the peace process, Afghans would need the sustained engagement of the international community. After more than three years of intensive engagement by the United Nations in Afghanistan, a number of lessons learned had been identified. They included multiple needs for: an extended presence of international forces to overcome a number of bottlenecks that continued to affect the pace and scope of reconstruction, such as a massive skills deficit; a comprehensive approach to the creation or recreation of key State institutions, in particular a national police force, civil service and justice system; sustainability; a stronger link between post-conflict reconstruction and economic growth; and improvements in regional cooperation.

All UN specialized agencies and programmes were expected to play a supportive role in building State capacity in education, health, agriculture, national and subnational administration, among others. While considerable efforts were being made to identify the UN’s role following the parliamentary elections, the Afghan leadership, the Parliament, and other relevant parties would have to be consulted before a definitive recommendation could be submitted to the Security Council. In the meantime, the Secretary-General recommended that UNAMA’s mandate be extended for 12 months, until March 2006.

Security Council consideration (March). On 22 March [meeting 5145], the Security Council discussed the situation in Afghanistan. The Special Representative of the Secretary-General for Afghanistan and Head of UNAMA, Jean Arnault, said that the Afghan electoral authorities had decided that parliamentary and provincial elections would be held on 18 September, four months later than originally anticipated. That would allow for more in-depth civic education of the public, which, in turn, would enhance participation, give more time to complete the disarmament, demobilization and reintegration process, place more and better trained army and police units at the disposal of the electoral process, and prepare for the establishment of the future National Assembly.

With regard to security, the two roadside bombs that killed six and injured 31 in Kandahar on 16 March were a reminder that, while the security situation overall had improved, complacency was not in order, particularly for the United Nations, since the two attacks were directed at its humanitarian convoys. It was hoped that a new initiative, entitled “Consolidation of Peace”, aimed at allowing rank and file Taliban and other fighters from extremist organizations to disarm and resettle in their communities, could help reduce violence in 2005. The initiative provided for low- and mid-level fighters to enter a reconciliation process under the responsibility of the provincial governors and community leaders. It did not offer, however, unconditional amnesty and did not apply to the worst offenders among Taliban commanders and other senior leaders from extremist groups, whose capture and prosecution would remain a priority for international forces and domestic security agencies. For individuals whose status deserved special measures, reintegration would take place under close monitoring by security agencies.

SECURITY COUNCIL ACTION

The Security Council,


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

Welcoming once again the successful holding of the presidential election on 9 October 2004,

Recognizing the urgent need to tackle the ongoing challenges in Afghanistan, including the fight against narcotics, the lack of security in certain areas, terrorist threats, comprehensive nationwide disarmament, demobilization and reintegration of the Afghan Militia Forces and disbandment of illegal armed groups, timely preparation for the parliamentary, provincial and district elections, development of Afghan government institutions, acceleration of justice sector reform, protection of human rights, and economic and social development,

Reaffirming, in this context, its continued support for the implementation of the provisions of the Bonn Agreement of 5 December 2001 and of the Berlin Declaration of 1 April 2004, including the annexes thereto, and pledging its continued support thereafter for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of a constitutional democracy and assume their rightful place in the community of nations,

Recalling and emphasizing the importance of the Declaration on Good-neighbourly Relations, signed in Kabul on 22 December 2002, and encouraging all States concerned to continue to follow up on the Kabul Declaration and the Declaration on Encouraging Closer Trade, Transit and Investment Cooperation, signed in Dubai, United Arab Emirates, on 22 September 2003,

Expressing its appreciation and strong support for the ongoing efforts of the Secretary-General and his Special Representative for Afghanistan, and stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan,

1. Welcomes the report of the Secretary-General of 18 March 2005,

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

3. Stresses the importance of urgently establishing a framework for the holding at the earliest possible date of free and fair elections, welcomes in this regard the announcement of the Joint Electoral Management Body that elections for the lower house of the parliament (Wolesi Jirga) and provincial councils will be held on 18 September 2005, calls upon the Mission to continue to provide necessary support in order to facilitate timely elections with the broadest possible participation, and urges the donor community to promptly make available the necessary financial support based on that framework, in close coordination with the Government of Afghanistan and the Mission, and to consider contributing to electoral observer missions;

4. Also stresses the importance of security for credible parliamentary, provincial and district elections, and to this end calls upon Member States to contribute personnel, equipment and other resources to support the expansion of the International Security Assistance Force and the establishment of provincial reconstruction teams in other parts of Afghanistan, and to coordinate closely with the Mission and the Government of Afghanistan;

5. Welcomes the international efforts to assist in setting up the new Afghan Parliament and ensure its efficient functioning, which will be critical to the political future of Afghanistan and the steps towards a free and democratic Afghanistan;

6. Also welcomes the substantial progress in the disarmament, demobilization and reintegration process in accordance with the Bonn Agreement, encourages the Government of Afghanistan to continue its efforts to accelerate the process towards its completion by June 2006, to disband the illegal armed groups and to dispose of the ammunition stockpile, and requests the international community to further extend assistance for these efforts;

7. Further welcomes the effort to date of the Government of Afghanistan to implement its National Drug Control Strategy, adopted in May 2003, including through the launch of the Counter-narcotics Implementation Plan, in February 2005, which reflects a new determination of the Government to tackle the cultivation, production and trafficking of drugs, urges the Government to take decisive action to stop the processing and trade of drugs and to pursue the specific measures set out in that plan in the fields of: building institutions; information campaigns; alternative livelihoods; interdiction and law enforcement; criminal justice; eradication; demand reduction and treatment of addicts; and regional cooperation, and calls upon the international community to provide every possible assistance to the Government in pursuing full implementation of all aspects of the plan;

8. Supports the fight against the illicit trafficking in drugs and precursors within Afghanistan and in neighboring States and countries along trafficking routes, including increased cooperation among them to strengthen anti-narcotic controls to curb the drug flow, and welcomes in this context the signing on 1 April 2004 of the Berlin Declaration on Counter-Narcotics within the framework of the Kabul Declaration on Good-neighbourly Relations;

9. Requests the Mission to continue to support the ongoing effort for the establishment of a fair and transparent justice system, including the reconstruction and reform of the prison sector, in order to strengthen the rule of law throughout the country;

10. Calls for full respect for human rights and international humanitarian law throughout Afghanistan, and in this regard requests the Mission, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist in the full implementation of the human rights provisions of the new Afghan Constitution, in particular those regarding the full enjoyment by women of their human rights, commends the Afghan Independent Human Rights Commission for its courageous efforts to monitor respect for human rights in Afghanistan as well as to foster and protect these rights, welcomes in this regard the Commission’s report of 29 January 2005 and the proposed national strategy for transi-
11. Welcomes the development of the Afghan National Army and Afghan National Police and the ongoing efforts to increase their capabilities as important steps towards the goal of Afghan security forces providing security and ensuring the rule of law throughout the country;

12. Calls upon the Government of Afghanistan, with the assistance of the international community, including the Operation Enduring Freedom Coalition and the International Security Assistance Force, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other extremist groups, factional violence among militia forces and criminal activities, in particular violence involving the drug trade;

13. Requests the Secretary-General to report to the Council in a timely manner on developments in Afghanistan, and to make recommendations on the future role of the Mission, after the parliamentary elections;

14. Decides to remain actively seized of the matter.

Security Council consideration (June). On 24 June [meeting 5215], the Security Council discussed the situation in Afghanistan and was briefed on the latest developments by the Special Representative of the Secretary-General for Afghanistan and by the Executive Director of the United Nations Office on Drugs and Crime (UNODC). The Special Representative said that, since his March report (see p. 398) the security situation in Afghanistan had deteriorated, especially in the southern and eastern part of the country, jeopardizing rebuilding efforts and obliging UN agencies to keep a very low profile. Drugs, local rivalry, corruption and ordinary criminal acts added to the violence, but the decisive factor in the escalation of violence was the offensive by extremist groups, including the Taliban. They had more money, more effective weaponry, more powerful means of disseminating radio propaganda, and were more aggressive vis-à-vis civilians and demonstrated greater cruelty and indiscriminate violence. International response to thwart that policy of destabilization had to focus on attacking the financing of fundamentalist elements, the safe havens where they trained and the networks that supported them.

Despite the security situation, preparations for the elections were encouraging. The electoral administration had been deployed countrywide, with offices being fully operational in Kabul and in the eight regional centres, as well as in all 34 provincial capitals. An independent Electoral Complaints Commission was created to handle and adjudicate all electoral complaints and challenges. Nominations, which took place between 4 and 26 May, saw more than 6,000 candidates submitting their applications for the 249 seats in the lower house and the 420 seats in the 34 provincial councils, 12 per cent of whom were women. At the same time, a countrywide assessment carried out by UNAMA and the Afghan Independent Human Rights Commission concluded that there was a broad perception that people linked to armed groups were determined to use violence and intimidation to succeed in getting elected. Measures therefore had to be taken to neutralize them and to reassure the majority of candidates and the population at large that they could vote in September without the risk of reprisals.


On 13 July [A/60/129], Kazakhstan transmitted to the Secretary-General the text of the declaration adopted by the Heads of State of the Shanghai Cooperation Organization (SCO) at their summit meeting (Astana, Kazakhstan, 5 July). In the light of the completion of the active military phase of counter-terrorism operations in Afghanistan, SCO believed those of its members that had made available their ground infrastructure for the temporary accommodation of the coalition members’ military contingents and had granted the use of their territories and airspace for military transit to facilitate counter-terrorism operations, should establish end dates for the temporary use of those facilities and the presence of the military contingents in the territories of SCO countries.

Report of Secretary-General (August). The Secretary-General, in his August report on Afghanistan [A/60/224-X/2005/325], said that President Karzai signed, on 27 April, a revised electoral law requiring the Central Statistics Office to release population figures province by province, which were to be used to allocate seats to the Wolesi Jirga (lower house of parliament) and the provincial councils. A voter registration drive took place between 25 June and 21 July and the official electoral campaign began on 17 August. Civic education efforts were also undertaken. However, some $31 million was still required to fill a funding gap and avoid any delay in the holding of the elections.
The Secretary-General observed that, although significant gains had been made in meeting the objectives of the political agenda, the implementation of the institutional agenda of the Bonn Agreement had been uneven across sectors. Many critical State institutions at both the national and provincial levels remained weak and susceptible to corruption. While initiatives had been taken to reform civil administration at the central level, reforms below that level had proved more difficult. In particular, insufficient resources were dedicated to developing effective public administration at the provincial and district levels, which were also plagued by a lack of capacity and corruption, and an uncertain security environment.

In discussions held in June on cooperation between Afghanistan and the international community after the September parliamentary elections, the Government and UNAMA recognized that sustained international community support was required to achieve security, full disarmament, justice and a competent civil administration in all provinces, to implement a robust development strategy and the Afghan constitution and to promote human rights. They elaborated a number of key principles, designed to enhance further cooperation between Afghanistan and the international community.

The security situation in Afghanistan continued to be of paramount concern. Since March, the level of the insurgency had risen, as had the sophistication of the weaponry. The tactics used were more brutal and effective. The southern and parts of the eastern regions of the country had borne the brunt of the upsurge in violence. In a significant departure from their previous tactics, which focused on provincial authorities, international and national forces and election workers, insurgents started targeting local communities and their leaders. The Afghan National Army and the coalition forces intensified their operations in the south and parts of the east of the country, engaging insurgents in often protracted combat. In the north, east-central highlands, central and most of the western region, minor factional clashes and criminal activities continued to be reported. A public demonstration, on 11 May, in Jalalabad (Nangarhar province), turned violent, causing widespread damage, with several casualties reported. With regard to electoral security, there had been multiple attacks against local JEMB employees and other Afghan electoral workers. Various measures were put in place by international military forces and the Government to help contain any upsurge in violence and to mitigate security risks to which the electoral process might be exposed.

The Secretary-General said that following the elections, he would consult with the Afghan Government and international actors to determine the post-electoral agenda. At the conclusion of those discussions, and prior to the expiration of UNAMA’s mandate in March 2006, he would make specific proposals to the Council on the future UN role in Afghanistan.

**Security Council consideration (August).** On 23 August [meeting 5249], the Security Council discussed the situation in Afghanistan. The Secretary-General’s Special Representative for Afghanistan told the Council that bringing extremist violence and other forms of insecurity under control after the 18 September elections would remain at the top of the agenda for the Afghan Government. Post-election objectives included the strengthening of key State institutions, such as the police, justice and civilian administration; the development of a comprehensive reconstruction strategy; and the elimination of the narcotics industry. The international community appeared committed to working with Afghan authorities towards an extended compact, with benchmarks and timelines for the achievement of its objectives. In the next phase, international financial, technical and security resources would be indispensable to the Afghan State’s own political will and fiscal efforts. In that respect, the Afghan Government had proposed that a high-level conference on the post-Bonn compact be held in January 2006, shortly after the anticipated inauguration of the National Assembly. The proposed conference could also lead to closer links between Afghanistan and its neighbours in all fields, including security cooperation, trade, development and counter-narcotics efforts.

**SECURITY COUNCIL ACTION**

On 23 August [meeting 5249], following consultations among Security Council members, the President made statement S/PRST/2005/40 on behalf of the Council:

The Security Council welcomes the progress in the preparations for the parliamentary (Wolesi Jirga) and provincial council elections scheduled for 18 September 2005, including the compilation of the final candidate list and updating of voter registration, and encourages all Afghan participants, especially the candidates and their supporters, to work constructively to ensure that the ongoing electoral campaigns are conducted peacefully, in an environment free of intimidation, and that the elections can be held successfully. The Council calls upon the international community to extend additional financial assistance in order to fill the gap of 29.6 million United States dollars for these elections.
The Council expresses grave concern about the increased attacks by the Taliban, Al Qaeda and other extremist groups in Afghanistan over the past few months. The Council condemns the attempts to disrupt the political process by terrorist acts or other forms of violence in Afghanistan. The Council, in this regard, endorses the effort of the Government of Afghanistan, with the support of the ISAF and the Operation Enduring Freedom coalition, within their respective responsibilities, to improve the safety and stability of the country.

The Council also stresses the importance of continued cooperation and increased dialogue between neighbouring States and the Government of Afghanistan to promote regional development and the long-term peace and stability of Afghanistan.

The Council notes the progress made to date, in particular in security sector reform, and in this regard welcomes the completion of the disarmament of the Afghan Military Forces. The Council expresses its strong view that the international community must maintain a high level of commitment to assist Afghanistan in addressing its remaining challenges, including the security situation, disbandment of illegal armed groups, production of and trafficking in drugs, development of Afghan government institutions, acceleration of justice sector reform, promotion and protection of human rights, and sustainable economic and social development.

The Council welcomes the desire of the international community and the Government of Afghanistan to agree to a new framework for international engagement beyond the completion of the Bonn political process. The Council expresses, in this regard, its readiness to review, based on the report of the Secretary-General to be submitted in accordance with its resolution 1589(2005), and in the light of consultations that the United Nations will have with the Government of Afghanistan and all concerned international actors, the mandate of the United Nations Assistance Mission in Afghanistan after the completion of the electoral process, in order to allow the United Nations to continue to play a vital role in the post-Bonn period. The Council is also ready to consider the renewal of the mandate of the International Security Assistance Force prior to its expiration, upon the request of the Government of Afghanistan.

Communication. By a 17 October letter to the Secretary-General [A/60/440-S/2005/608], Yemen transmitted the final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference (OIC) (New York, 25 September). OIC member States that had pledged donations to the Afghan People Assistance Fund were called upon to expedite the remittance of their donations.

Elections
On 18 September 2005, some 6.4 million Afghans, representing a little over 50 per cent of registered voters, went to the polls to elect representatives to the Lower House of the National Assembly and the 34 provincial councils. The Secretary-General, in a later report [A/60/712-S/2006/145], said that 54 candidates were excluded from the electoral process by the Electoral Complaints Commission. The Commission also adjudicated 3,300 of the some 5,400 complaints lodged, including 575 high-priority cases, most of them alleging fraud. It imposed fines in 22 cases, banned nine officials from serving in future electoral administrations and excluded 74 ballot boxes (2.5 per cent) from the count because of clear indications of fraud. Having received notification from the Electoral Complaints Commission that no remaining complaints could materially alter the outcome of the elections, JEMB announced the final certified results on 12 November. The new Lower House reflected Afghanistan’s political and ethnic diversity, including a large number of professionals, liberals, some former commanders, jihadis, a small number of reconciled Taliban, and some individuals accused of human rights abuses. Twenty-seven per cent of all seats were occupied by women, who also were elected to 121 of the 420 seats available in the provincial councils. In November, each provincial council elected from among its members two representatives to serve in the Upper House. The full complement of the National Assembly was reached on 9 December, with the certification by JEMB of the 34 members, including 17 women, nominated by President Karzai. The electoral process was concluded on 19 December with the inauguration of the National Assembly.

Despite fears that violence would disrupt the process, especially given the trend of attacks in the preceding months, which included the murder of eight candidates, security incidents did not significantly affect the polling. However, the counting and the complaints processes that followed took place in a climate of tension and distrust, due to their complexity. More significantly, the tension was fuelled by thousands of defeated candidates, many of whom were reluctant to acknowledge their electoral defeat. Significant protests and demonstrations took place in Kunduz, Kandahar, Nangarhar and Kabul, which resulted in some disruption to the counting process.

SECURITY COUNCIL ACTION (November)
On 23 November [meeting 5309], following consultations among Security Council members, the President made statement S/PRST/2005/56 on behalf of the Council:

The Security Council congratulates the people of Afghanistan on the confirmation of the final results
of the parliamentary and provincial council elections. The successful holding of these elections has demonstrated the broad commitment of Afghan voters to democracy and freedom in their country, and the Council welcomes the fact that the completion of the confirmation process has paved the way toward the timely inauguration of the new parliament and thus to the conclusion of the Bonn political process.

The Council commends all Afghans for having taken this step and calls upon them, and, in particular, the representatives-elect and other former candidates, to remain fully committed to peace, the Constitution, the rule of law and democracy in Afghanistan.

The Council, in this connection, reiterates its appreciation to all those who contributed to the electoral process, and extends special appreciation to the Joint Electoral Management Body and the United Nations Assistance Mission in Afghanistan for their dedication. The Council also reiterates its endorsement of the efforts of the Afghan security forces, with the support of the International Security Assistance Force and the Operation Enduring Freedom coalition, within their respective responsibilities, to improve the safety and stability of the country.

The Council hopes for the prompt appointment of all members of the House of Elders (Meshrano Jirga). The Council reaffirms the importance for the international community to maintain a high level of commitment to assisting Afghanistan in addressing its remaining challenges, in particular in the fields of security, including fighting terrorist and narcotics threats, governance and development.

The Council supports the central and impartial role that the United Nations continues to play for the consolidation of peace and stability in Afghanistan and coordination of the relevant international efforts and welcomes consultations initiated by the Government of Afghanistan and the United Nations on the post-Bonn process.

Finally, the Council stresses that violence in any form intended to disrupt the democratic process in Afghanistan will not be tolerated. The Council unequivocally condemns all recent attacks in Afghanistan, including the attacks against the International Security Assistance Force, and expresses its deepest sympathies to the victims, both Afghan and international, and their families, as well as to the troop contributors of the Force.

Later developments

In a later report on the situation in Afghanistan [A/60/712-S/2006/145], the Secretary-General said that, during the last months of 2005, the operational tempo and tactical sophistication of insurgent and other anti-Government elements continued to develop. Violence and threats against local officials, religious leaders, teachers, staff and facilities of the education system intensified, in particular in the south and south-east of the country. Corruption, the menace of a criminalized economy, dominated by drug and other organized criminal networks, and the presence of illegally armed groups, undermined the authority of the legitimately elected Government. In addition, there was a marked increase in suicide bombings. Up to November, a significant proportion of security related incidents involved clashes between anti-Government elements and security forces, primarily international military forces. Since most of those incidents resulted in the defeat of anti-Government elements, attacks against foreign military forces decreased in favour of attacks against Afghan security forces and soft targets (government and social institutions) that were difficult to detect or identify.

Communication. On 2 December [A/60/578-S/2005/754], the Russian Federation transmitted to the Secretary-General the text of the Declaration adopted by the Ministers for Foreign Affairs of the member States of the Collective Security Treaty Organization (Moscow, Russian Federation, 30 November). The members said that, in view of the serious situation caused by the sharp increase in drug trafficking worldwide, there was an urgent need to establish under UN auspices, an effective global anti-drug partnership, which should make every effort to set up security zones along the Afghan border.

GENERAL ASSEMBLY ACTION

On 30 November [meeting 58], the General Assembly adopted resolution 60/32 A [draft: A/60/127 & Add.1, as orally revised] without vote [agenda items 17 and 75 (c)].

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

The General Assembly,

Recalling its resolution 59/112 A of 8 December 2004 and all its previous relevant resolutions,

Recalling also Security Council resolutions and statements by the President of the Council on the situation in Afghanistan, in particular the most recent resolutions 1589(2005) of 24 March 2005 and 1623(2005) of 13 September 2005, as well as the statement by the President of the Council of 23 August 2005,

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

Applying the holding of parliamentary and provincial council elections on 18 September 2005, leading to the completion of the Bonn process,

Emphasizing the importance of the Government being representative of the ethnic, cultural and geographical diversity of the country,

Recalling Security Council resolution 1325(2000) of 31 October 2000 on women and peace and security, and applauding the substantive progress achieved in the empowerment of women in Afghan politics as historic milestones in the political process, which will help to consolidate durable peace and national stability in Afghanistan,
Recognizing the urgent need to tackle the remaining challenges in Afghanistan, including terrorist threats, the fight against narcotics, the lack of security in certain areas, the comprehensive nationwide disbandment of illegal armed groups and the reintegration of the Afghan Military Forces, the development of Afghan Government institutions, including at the subnational level, the strengthening of the rule of law, the acceleration of justice sector reform, the promotion of national reconciliation and an Afghan-led transitional justice process, the safe and orderly return of Afghan refugees, the promotion and protection of human rights, and economic and social development,

Reaffirming in this context its continued support for the International Security Assistance Force and the Operation Enduring Freedom coalition, the United Nations and diplomatic staff, national and international humanitarian and development personnel, the International Security Assistance Force and the Operation Enduring Freedom coalition,

Noting that, despite improvements in building the security sector, increased terrorist attacks caused by Al-Qaeda operatives, the Taliban and other extremist groups, particularly in the south and in parts of the east of Afghanistan over the past months, and the lack of security caused by criminal activity and the illicit production of and trafficking in drugs, still remain a serious challenge, threatening the democratic process as well as reconstruction and economic development,

Noting also that the responsibility for providing security and law and order throughout the country resides with the Government of Afghanistan supported by the Assistance Force and the Operation Enduring Freedom coalition, recognizing the progress achieved in this respect, and stressing the importance of further extending central government authority to all parts of Afghanistan and the provisions of the Bonn Agreement of 5 December 2001, and of the Berlin Declaration, including the annexes thereto, of 1 April 2004, and pledging its continued support, after the successful completion of the political transition, to the Government of Afghanistan as they rebuild their country, strengthen the foundations of a constitutional democracy and resume their rightful place in the community of nations,

Expressing its appreciation and strong support for the central and impartial role that the Secretary-General and his Special Representative continue to play for the consolidation of peace and stability in Afghanistan, and welcoming consultations initiated by the Government of Afghanistan and the United Nations on the post-Bonn process,

Expressing in this context its deep concern over attacks against both Afghan and foreign nationals committed to supporting the consolidation of peace, stability and development in Afghanistan, in particular United Nations and diplomatic staff, national and international humanitarian and development personnel, the International Security Assistance Force and the Operation Enduring Freedom coalition,

Recognizing that the social and economic development of Afghanistan, specifically the development of alternative gainful and sustainable livelihoods in the formal productive sector, is an important element of the successful implementation of the comprehensive Afghan national drug control strategy and depends to a large extent on enhanced international cooperation with the Government of Afghanistan,

1. Welcomes the report of the Secretary-General and the recommendations contained therein;

2. Congratulates the people of Afghanistan on the parliamentary and provincial council elections on 18 September 2005, which have demonstrated the broad commitment of Afghan voters towards a democratic future for their country;

3. Expresses its appreciation for the support of the United Nations Assistance Mission in Afghanistan and of the international community, including from countries neighbouring Afghanistan, which facilitated the holding of parliamentary and provincial council elections through providing security assistance, funds, election personnel and observers;

4. Recognizes the upcoming completion of the political transition according to the Bonn process, with the establishment of the National Assembly of Afghanistan, as well as the challenges lying ahead, and calls upon the international community to continue to provide sustained support;

5. Endorses the key principles for cooperation between the Government of Afghanistan and the international community during the post-Bonn process as set out in the report of the Secretary-General, including the leadership role of Afghanistan in the reconstruction process, the just allocation of domestic and international reconstruction resources across the country, regional cooperation, lasting capacity- and institution-building, combating corruption and the promotion of transparency and accountability, public information and participation, and the continued central role of the United Nations in the post-Bonn process, which should also include fields in which the United Nations offers the best expertise available;

6. Welcomes the readiness of the Government of Afghanistan to prepare an interim national development strategy, which is to be considered at a conference in London planned for January 2006, where a new engagement between the international community and the Government of Afghanistan is also due to be concluded, and urges the international community actively to support this process by, where possible, aligning their support behind this strategy;

7. Stresses the importance of the provision of sufficient security in the post-Bonn process, and to that end calls upon Member States to continue contributing personnel, equipment and other resources to the International Security Assistance Force and to further develop the provincial reconstruction teams in close coordination with the Government of Afghanistan and the Assistance Mission;
8. Welcomes the progress made since the commencement of the disarmament, demobilization and reintegration process in October 2003, in particular the completion of the disarmament and demobilization of the Afghan Military Forces, and stresses the need to reintegrate former combatants for the success of the programme;

9. Stresses the importance of advancing the disbandment of illegal armed groups throughout the country, while ensuring further coordination and coherence with other relevant efforts regarding security sector reform and community development;

10. Welcomes the development of the new professional Afghan national army and Afghan national police and the progress made in the creation of a fair and effective justice system as important steps towards the goal of strengthening the Government of Afghanistan, providing security, ensuring the rule of law and eliminating corruption throughout the country, and urges the international community to continue to support the efforts of the Government of Afghanistan in these areas in a coordinated manner;

11. Calls upon the Government of Afghanistan, with the assistance of the international community, including through the Operation Enduring Freedom coalition and the Assistance Force, in accordance with their respective designated responsibilities, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaeda operatives, the Taliban and other terrorist or extremist groups as well as by criminal violence, in particular violence involving the drug trade;

12. Calls for full respect for human rights and international humanitarian law throughout Afghanistan and, with the assistance of the Afghan Independent Human Rights Commission and of the Assistance Mission, full implementation of the human rights provisions of the new Afghan Constitution, including those regarding the full enjoyment by women of their human rights, and commends the commitment of the Government of Afghanistan in this respect;

13. Welcomes the efforts to date of the Afghan authorities to carry out their comprehensive counter-narcotics implementation plan presented on 16 February 2005, and urges the Government of Afghanistan to take decisive action, in particular to stop the processing of and trade in drugs, by pursuing the concrete steps set out in the work plan of the Government of Afghanistan, presented at the International Conference on Afghanistan, held in Berlin on 31 March and 1 April 2004;

14. Calls upon the international community to assist the Government of Afghanistan in carrying out its comprehensive counter-narcotics implementation plan, aimed at eliminating illicit poppy cultivation, including through support for increased law enforcement, interdiction, demand reduction, eradication of illicit crops, crop substitution and other alternative livelihood and development programmes, increasing public awareness and building the capacity of drug control institutions, and encourages the channelling of increased counter-narcotics funding through the Government of Afghanistan counter-narcotics trust fund;

15. Supports the fight against the illicit trafficking in drugs and precursors within Afghanistan and in neighbouring States and countries along trafficking routes, including increased cooperation among them to strengthen anti-narcotic controls to curb the drug flow, and welcomes, in this context, the signing on 1 April 2004 of the Berlin Declaration on Counter-Narcotics within the framework of the Kabul Declaration on Good-neighbourly Relations of 22 December 2002;

16. Commends the continuing efforts of the signatories of the Kabul Declaration on Good-neighbourly Relations to implement their commitments under the Declaration, including, within that framework, those under the Declaration on Encouraging Closer Trade, Transit and Investment Cooperation of 22 September 2003, and calls upon all other States to respect and support the implementation of those provisions and to promote regional stability;

17. Appreciates the efforts of the members of the Tripartite Commission, namely, Afghanistan, Pakistan and the United States of America, to continue to address cross-border activities in accordance with its mandate;

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

19. Requests the Secretary-General to report to the General Assembly every six months during its sixtieth session on developments in Afghanistan, including on parliamentary and provincial elections and on consultations on the post-Bonn process as well as on the progress made in the implementation of the present resolution;

20. Decides to include in the provisional agenda of its sixty-first session an item entitled the situation in Afghanistan.

On the same date, the Assembly adopted resolution 60/32 B on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan (see p. 1000).

Sectoral issues

Judicial system and the rule of law

The United Nations continued to support the reform agenda drawn up by the Judicial Reform Commission, established under the Bonn Agreement. In the light of the lack of clarity in the Commission’s mandate and capacity to lead the reform, the Government was gradually shifting responsibility for reform from the Commission to the Supreme Court, the Attorney-General’s office and the Ministry of Justice. Those bodies coordinated their efforts through the Consultative Group for Justice, which had become an active player in shaping the reform strategy. The Group, with UNDP and UNAMA support, was developing a comprehensive needs assessment to serve as a basis for future justice sector reform
efforts. The strategy would have to address critical issues, including finding an appropriate balance between capacity development and institutional reform. With UNDP support, the Ministry of Justice and the Attorney-General made significant progress in the implementation of the Government’s public administrative reform programme. In June, the Law on the Organization and Jurisdiction of the Courts came into force and the Juvenile Justice Code and the Law on Prisons and Detention Centres were adopted. A number of justice sector facilities were rehabilitated and work was under way on new court houses in Herat and in other regions. The Ministry of Justice and the Attorney-General’s office, assisted by UNDP, completed the first phase of the Government’s priority reform and restructuring process and had commenced the second phase, which required merit-based recruitment of all Ministry of Justice staff under a revised structure. In June, the Judicial Education and Training Committee was established, which was to develop a more coordinated approach to the planning, implementation and evaluation of programmes for judges. In October, the Government endorsed a strategic framework for justice sector reform, entitled “Justice for All”, developed by the Consultative Group on Justice. The framework was divided into five areas: law reform, institution-building, access to justice programmes, traditional justice and coordination.

Security sector reform

The reform of the security sector was in its fourth and final phase, making the sector more representative of the demographic realities of the country. Some 965 junior officers within the Ministry of Defence were to be appointed in an attempt to redress previous imbalances in the composition of the Ministry. Training of the reformed Afghan Army continued, with the United States, assisted by France, acting as lead nation. The training schedule was accelerated, allowing five battalions to be trained simultaneously. Plans to train six battalions at a time, to be implemented in March, would enable the Army to reach its target of 70,000 troops by December 2006.

In June, Germany and United States—lead coalition forces—proposed a major new police reform and mentoring programme to the Government and the international community. In December, as part of the restructuring of police leadership, and following an extensive selection process, 33 generals were identified and had taken up senior police positions in the Ministry of Interior.

Disarmament, demobilization and reintegration

On 7 July, Afghanistan’s New Beginnings Programme for disarmament, demobilization and reintegration ended, with more than 68,380 (all ranks) Afghan Military Forces troops disarmed. Of those, more than 59,290 were demobilized and over 57,590 had chosen to enter the reintegration process. The Programme enabled the Government to remove all Afghan Military Forces personnel from the Ministry of Defence payroll, resulting in an estimated saving to the national budget of a recurrent cost of over $120 million and effectively dissolving the Afghan Military Forces. The Programme was currently focused on ensuring the sustainable reintegration of ex-combatants into their communities and the legal economy, which included a project to monitor and evaluate the progress made by those who had completed the reintegration programme.

A crucial outcome of the disarmament, demobilization and reintegration process was the safe removal and cantonment of over 10,880 heavy weapons. Cities such as Jalalabad, Kandahar, Gardiz, Mazar-e-Sharif and Bamian were largely free of operational heavy weapons. Progress in disarmament, demobilization and reintegration helped to improve the political environment for the organization of elections, and together with the creation of the Afghan National Army, furthered the goal of ensuring that military assets and weaponry belonged to the State of Afghanistan alone. Progress was made in the design of the successor project to disarmament, demobilization and reintegration, which would concentrate on enhancing security, governance, access to justice and community-based economic and social benefits.

Counter-narcotics activities

The illicit narcotics industry continued to pose a threat to peace and stability in Afghanistan, which remained the largest supplier of opium worldwide. Government-led eradication and interdiction efforts had yielded modest results in some areas; however, that had been offset by higher crop yields. In January, the Executive Director of UNODC encouraged the Government and major partners to make development assistance available to farmers to offset their income losses and to make joint efforts to provide mutual legal assistance and create conditions for the extradition of major traffickers. On 16 February, the Government of Afghanistan and the United Kingdom, the lead nation on counter-narcotics, launched the 2005 counter-narcotics implementation plan in Kabul. With 60 per cent of Afghanistan’s opium being produced in the provinces of Badakhshan, Helmand and Nangarhar, the new
plan initially concentrated Afghan and international efforts on eradication and the creation of alternative livelihoods in those provinces, as well as in Kandahar.

Following the large-scale Government-led anti-cultivation campaign, land under poppy cultivation was estimated to have dropped by 21 per cent. Nevertheless, the average yield of the poppy crop increased to an estimated 39 kilograms per hectare in 2005, compared with 32 kilograms per hectare in 2004. Eradication efforts by provincial governors in 2005 did not achieve the expected success; only some 4,000 hectares (or 4 per cent of the total poppy fields under cultivation) were eradicated. In December, a UNODC survey indicated that some 920,000 Afghans (3.8 per cent of the population) were drug users. In recognition of the urgent need to stem the cycle of insecurity promoted by the narcotics industry, the Government adopted a new Counter-Narcotics Law on 17 December, containing criminal and procedural provisions, including investigation, prosecution and trial, and established the jurisdiction of the Central Narcotics Tribunal.

Recovery, rehabilitation and reconstruction

The economic and developmental challenges facing Afghanistan remained daunting. Although the International Monetary Fund reported that the Afghan economy grew at a rate of 7.5 per cent in 2004-2005, the Government estimated that a growth rate of 9 per cent was required to achieve recovery. In January, the UN country team started developing the United Nations Development Assistance Framework for Afghanistan, which identified those development activities that UN agencies would undertake for the 2006-2008 period. The country’s first national human development report entitled “Security with a Human Face” was launched on 21 February. As the country devised its long-term development strategy, the report recommended addressing links between poverty reduction, democracy and conflict prevention to lay the foundation for sustained economic growth and stability. In September, the Government endorsed a report on the MDGs, which provided the framework for the Interim Afghanistan National Development Strategy. In December, the country programme action plans of UNDP, UNICEF and the United Nations Population Fund, as well as the World Food Programme relief and recovery operation, were agreed upon with the Minister for Foreign Affairs.

Social aspects

The human rights situation in Afghanistan remained challenging, owing to the security situation and weaknesses in governance. Impunity of factional commanders and former warlords undermined any improvements. The significant upsurge in violence in some parts of the country limited access to those areas by both international humanitarian actors and Government representatives, denying the population entitlements, services and protection. Complaints of serious human rights violations committed by representatives of national security institutions, including arbitrary arrest, illegal detention and torture were numerous. In January, the United Nations High Commissioner visited Afghanistan and, in February, the Secretary-General’s Independent Expert on the situation of human rights in Afghanistan also visited the country. In the months prior to the parliamentary elections, just as was the case in 2004 for the presidential elections, a joint political rights verification exercise was carried out by the Afghanistan Independent Human Rights Commission and UNAMA to bring human rights concerns to the attention of the Government, the public and the international community.

A welcome development was the issuance of an order by the Ministry of Interior on 30 November, outlining expectations regarding police adherence to international human rights standards and the terms of reference for new human rights offices to be established within provincial Afghan National Police headquarters. On 12 December, the Government adopted the National Action Plan on Peace, Reconciliation and Justice, which was based on recommendations made by the Afghanistan Independent Human Rights Commission. Following the adoption of the plan, which set out a three-year comprehensive strategy on transitional justice, a three-day conference on truth-seeking and reconciliation was hosted by the Office of the United Nations High Commissioner for Human Rights (OHCHR), with support from UNAMA and the Afghanistan Independent Human Rights Commission. The conference was attended by representatives of local government and civil society. Participants said the highest priority should be given to: ending impunity, prosecuting and removing human rights abusers from public service and other positions of authority.

UNAMA

The United Nations Assistance Mission in Afghanistan was established by Security Council resolution 1401 (2002) [YUN 2002, p. 264] to promote, among other things, national reconciliation and the responsibilities entrusted to the United Nations under the Bonn Agreement. It comprised the Office of the Special Representative, which included four special advisers in...
the fields of human rights, demobilization, gender and the rule of law, as well as three sub-components: two substantive pillars, one political (Pillar I) and one relief, recovery and reconstruction (Pillar II), and an administrative component. UNAMA was headquartered in Kabul, with regional offices in Bamian, Gardez, Herat, Jalalabad, Kandahar, Kunduz and Mazar-e-Sharif and three sub-offices in Faizabad, Maimana and Panjshir. UNAMA was headed by the Special Representative of the Secretary-General. In December 2005, the Secretary-General appointed Tom Koenings (Germany) as Special Representative and Head of UNAMA to replace Jean Arnault (France). By resolution 1589(2005) (see p. 399), the Security Council extended UNAMA’s mandate until 24 March 2006.

International Security Assistance Force


ISAF continued to implement the activities mandated by Council resolution 1386(2001) to assist the Afghan Government in the maintenance of security in Kabul and its surrounding areas and, by resolution 1510(2003), to provide support for and to strengthen the ability of the Government to ensure a more secure environment throughout the country. It executed its security tasks in association with the Afghan National Army and the Kabul police.

As at 30 August, the Force, operating under NATO leadership, comprised 11,511 personnel from 26 NATO nations, plus 309 from 11 non-NATO nations.

The overall security situation in Kabul and its environs remained relatively calm but unstable, with continual warnings of attacks against ISAF, coalition forces and the Afghan Government. The northern area of ISAF operations experienced a steady rise in criminal activity and factional fighting. The western area, where opposing militant forces were less active, remained relatively free of terrorism and crime. The security situation outside ISAF area of operations, mainly in the southern and eastern regions of the country, remained tense due to the activity of those forces.

ISAF increased its military presence in the country in preparation for and in support of the 18 September elections in order to verify procedures and enhance security. ISAF also carried out a strategic assessment of air operations to identify airfields, air capabilities and infrastructure for ISAF to continue its mission in the medium to long term. However, NATO intended to hand over the entire responsibility for Kabul International Airport to the Afghan authorities in the longer term. To that end, a clearing house mechanism was set up to coordinate efforts for the rehabilitation of Afghan airspace management.

ISAF civil-military cooperation shifted its focus from quick-reaction projects and short-term assessment to a more long-term vision aimed at meeting Afghan needs and harmonizing the activities of the international community. Improving civil administration remained the first priority. ISAF helped identify actual needs, promoted the use of respective functional specialists, and acted as a mediator for training and funding issues. Progress was also being made in the reform of the justice sector, including training, facility-building and restoration, as well as the reform of the Ministry of Justice, the Supreme Court and the Office of the General Prosecutor.

Among other things, ISAF established links with counter-narcotics forces and agencies. The Afghan Government counter-narcotics implementation plan (see p. 1357) was coordinated with ISAF, coalition forces and embassy counter-narcotics specialists. The plan adopted an eight-pillar approach, focusing on building institutions, information campaigns, alternative livelihoods, law enforcement, criminal justice, eradication, demand reduction, treatment of addicts and regional cooperation.

Afghanistan, in a 1 September [S/2005/574] letter to the Secretary-General, said that it looked forward to ISAF’s future expansion to the south and east of the country and hoped that the Security Council would continue to reflect in its resolutions the importance of fulfilling ISAF’s mandate.

The Secretary-General, in a later report on the situation in Afghanistan [A/60/712], reported that, on 8 December, the NATO Foreign Ministers adopted a revised ISAF operational plan which provided for ISAF’s expansion to the southern regions of Afghanistan.

Extension of ISAF mandate


The Security Council,

Political and security questions

The Security Council,

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

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

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

Recalling the importance of the Bonn Agreement of 5 December 2001 and the Berlin Declaration of 1 April 2004, in particular annex 1 to the Bonn Agreement, which, inter alia, provides for the progressive expansion of the Force to other urban centres and other areas beyond Kabul.

Stressing the importance of extending central government authority to all parts of Afghanistan, of respect for democratic values, of full completion of the disarmament, demobilization and reintegration process, of the disbandment of illegal armed groups, of justice sector reform, of security sector reform, including reconstitution of the Afghan National Army and Police, and of combating narcotics trade and production, and recognizing certain progress that has been made in these and other areas with the help of the international community,

Recognizing the challenges facing Afghanistan with regard to the security situation in parts of the country,

Welcoming, in this context, the commitment by lead nations of the North Atlantic Treaty Organization to establish further Provincial Reconstruction Teams,

Further welcoming the role played by the Force and the Operation Enduring Freedom coalition in assisting in securing the conduct of national elections,

Expressing its appreciation to Italy for taking over the lead from Turkey in commanding the Force, and to those nations who contributed to Eurocorps, and recognizing with gratitude the contributions of many nations to the Force,

Taking note of the letter dated 1 September 2005 from Mr. Abdullah Abdullah, Minister for Foreign Affairs of Afghanistan, to the Secretary-General,

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

Determined to ensure the full implementation of the mandate of the Force, in consultation with the Government of Afghanistan,

Acting, for these reasons, under Chapter VII of the Charter,

1. Decides to extend the authorization of the International Security Assistance Force, as defined in resolutions 1386(2001) and 1390(2003), for a period of twelve months beyond 13 October 2005;

2. Authorizes the Member States participating in the Force to take all necessary measures to fulfil its mandate;

3. Recognizes the need to strengthen the Force, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force, and to make contributions to the trust fund established pursuant to resolution 1386(2001);

4. Calls upon the Force to continue to work in close consultation with the Government of Afghanistan and the Special Representative of the Secretary-General for Afghanistan as well as with the Operation Enduring Freedom coalition in the implementation of the mandate of the Force;

5. Requests the leadership of the Force to provide quarterly reports on the implementation of the mandate of the Force to the Security Council through the Secretary-General;

6. Decides to remain actively seized of the matter.

Sanctions

In 2005, the Security Council adopted new measures against Osama bin Laden, Al-Qaida, the Taliban, their associates and associated entities. By resolution 1617(2005) (see below), the Council further refined the financial measures, travel ban and arms embargo imposed on those persons identified in the consolidated list created pursuant to resolution 1267(1999) [YUN 1999, p. 265].

Pursuant to that resolution, the Secretary-General, on 2 September [S/2005/565], informed the Council President that he had appointed eight experts to the Analytical Support and Sanctions Monitoring Team, established in accordance with resolution 1526(2004) [YUN 2004, p. 332].

SECURITY COUNCIL ACTION (July)

On 29 July [meeting 5244], the Security Council unanimously adopted resolution 1617(2005). The draft [S/2005/495] was submitted by Algeria, Argentina, Denmark, France, Greece, Japan, Romania, the Russian Federation, the United Republic of Tanzania, the United Kingdom and the United States.


Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and reiterating its unequivocal condemnation of Al-Qaida, Osama bin Laden, the Taliban—and associated individuals, groups, undertakings and entities—for ongoing and multiple criminal terrorist acts aimed at causing the death of innocent civilians and other victims, destruction of property and greatly undermining stability,

Expressing its concern over the use of various media, including the Internet, by Al-Qaida, Osama bin Laden...
and the Taliban, and their associates, including for terrorist propaganda and inciting terrorist violence, and urging the Security Council Working Group established pursuant to resolution 1566(2004) to consider these issues,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Emphasizing the obligation placed upon all Member States to implement, in full, resolution 1173(2001), including with regard to the Taliban or Al-Qaida, and any individuals, groups, undertakings or entities associated with Al-Qaida, Osama bin Laden or the Taliban who have participated in financing, planning, facilitating, recruiting for, preparing, perpetrating, or otherwise supporting terrorist activities or acts, as well as to facilitate the implementation of these obligations in accordance with relevant Security Council resolutions,

Stressing the importance of clarifying which individuals, groups, undertakings and entities are subject to listing in the light of information regarding the changing nature of, and threat from, Al-Qaida, particularly as reported by the Analytical Support and Sanctions Monitoring Team of the Security Council Committee established pursuant to resolution 1267(1999) (the “Monitoring Team”),

Underscoring the importance of Member State designations pursuant to relevant resolutions and robust implementation of existing measures as a significant preventive measure in combating terrorist activity,

Noting that, in giving effect to the measures outlined in paragraph 4 (b) of resolution 1267(1999), paragraph 8 (c) of resolution 1333(2000) and paragraphs 1 and 2 of resolution 1390(2002), full account is to be taken of the provisions of paragraphs 1 and 2 of resolution 1492(2002),

Welcoming the efforts of the International Civil Aviation Organization to prevent travel documents from being made available to terrorists and their associates,

Encouraging Member States to work within the framework of Interpol, in particular through the use of the Interpol database of stolen and lost travel documents, to reinforce the implementation of the measures against Al-Qaida, Osama bin Laden and the Taliban, and their associates,

Expressing its concern over the possible use by Al-Qaida, Osama bin Laden or the Taliban, and their associates, of man-portable air defence systems, commercially available explosives and chemical, biological, radiological or nuclear weapons and material, and encouraging Member States to consider possible action to reduce these threats,

Urging all States, international bodies and regional organizations to allocate sufficient resources, including through international partnership, to meet the ongoing and direct threat posed by Al-Qaida, Osama bin Laden and the Taliban, and individual groups, undertakings and entities associated with them,

Stressing the importance of meeting the ongoing threat that Al-Qaida, Osama bin Laden and the Taliban, and individuals, groups, undertakings and entities associated with them represent to international peace and security,

Acting under Chapter VII of the Charter,

1. Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267(1999), paragraph 8 (c) of resolution 1333(2000) and paragraphs 1 and 2 of resolution 1390(2002) with respect to Al-Qaida, Osama bin Laden and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267(1999) and 1333 (2000) (“the Consolidated List”):

(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons, by their nationals or by any persons within their territory;

(b) Prevent the entry into or the transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the Security Council Committee established pursuant to resolution 1267(1999) (“the Committee”) determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale or transfer, to those individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. Also decides that acts or activities indicating that an individual, group, undertaking or entity is “associated with” Al-Qaida, Osama bin Laden or the Taliban include:

(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related material to;

(c) Recruiting for;

(d) Otherwise supporting acts or activities of;

Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof;

3. Further decides that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Osama bin Laden or the Taliban shall be eligible for designation;

4. Decides that, when proposing names for the Consolidated List, States shall act in accordance with paragraph 17 of resolution 1267(2004) and henceforth shall provide to the Committee a statement of case describing the basis of the proposal, and further enco
ages States to identify any undertakings and entities owned or controlled, directly or indirectly, by the proposed subject;

5. Requests relevant States to inform, to the extent possible, and in writing where possible, individuals and entities included in the Consolidated List of the measures imposed on them, the guidelines of the Committee, and, in particular, the listing and de-listing procedures and the provisions of resolution 1492(2002).

6. Decides that the statement of case submitted by the designating State referred to in paragraph 4 above may be used by the Committee in responding to queries from Member States whose nationals, residents or entities have been included on the Consolidated List, decides also that the Committee may decide on a case-by-case basis to release the information to other parties, with the prior consent of the designating State, for example, for operational reasons or to aid the implementation of the measures referred to in paragraph 1 above, and decides further that States may continue to provide additional information which shall be kept on a confidential basis within the Committee unless the submitting State agrees to the dissemination of such information.

7. Strongly urges all Member States to implement the comprehensive, international standards embodied in the Forty Recommendations and the nine Special Recommendations on Terrorist Financing of the Financial Action Task Force on Money Laundering.

8. Requests the Secretary-General to take the necessary steps to increase cooperation between the United Nations and Interpol in order to provide the Committee with better tools to fulfil its mandate more effectively and to give Member States better tools to implement the measures referred to in paragraph 1 above;

9. Urges all Member States, in their implementation of the measures called for in paragraph 1 above, to ensure that stolen and lost passports and other travel documents are invalidated as soon as possible and to share information on those documents with other Member States through the Interpol database;

10. Calls upon all Member States to use the checklist contained in annex II to the present resolution to report to the Committee by 1 March 2006 on specific actions that they have taken to implement the measures outlined in paragraph 1 above with regard to individuals and entities henceforth added to the Consolidated List, and thereafter at intervals to be determined by the Committee;

11. Directs the Committee to encourage the submission of names and additional identifying information from Member States for inclusion on the Consolidated List;

12. Calls upon the Committee, working in cooperation with the Security Council Committee established pursuant to resolution 1373(2001) (“the Counter-Terrorism Committee”) to inform the Council of specific additional steps that States could take to implement the measures outlined in paragraph 1 above;

13. Reiterates the need for ongoing close cooperation and exchange of information between the Committee, the Counter-Terrorism Committee and the Security Council Committee established pursuant to resolution 1540(2004), as well as their respective groups of experts, including enhanced information-sharing, coordinated visits to countries, technical assistance and other issues of relevance to all three committees;

14. Also reiterates the importance of having the Committee follow up via oral and/or written communications with Member States regarding effective implementation of the sanctions measures and provide Member States with an opportunity, at the request of the Committee, to send representatives to meet with the Committee for more in-depth discussion of relevant issues;

15. Requests the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with the present resolution and resolutions 1267(1999), 1333(2000), 1390 (2002), 1455(2003) and 1526(2004);

16. Also requests the Committee to report orally, through its Chairman, at least every one hundred and twenty days to the Council on the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairmen of the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004), including briefings for all interested Member States;

17. Reminds the Committee of its responsibilities as outlined in paragraph 14 of resolution 1455(2003) and paragraph 13 of resolution 1526(2004), and calls upon the Committee to provide the Council, no later than 31 July 2006, with an update of the written assessment referred to in paragraph 13 of resolution 1526(2004) of actions taken by Member States to implement the measures described in paragraph 1 above;

18. Requests that the Committee continue its work on its guidelines, including on listing and de-listing procedures, and implementation of resolution 1452 (2002), and requests the Chairman, in his periodic reports to the Council pursuant to paragraph 16 above, to provide progress reports on the work of the Committee on these issues;

19. Decides, in order to assist the Committee in the fulfillment of its mandate, to extend the mandate of the New York-based Monitoring Team for a period of seventeen months, under the direction of the Committee, with the responsibilities outlined in annex I to the present resolution;

20. Requests the Secretary-General, upon adoption of the present resolution and acting in close consultation with the Committee, to appoint, consistent with United Nations rules and procedures, no more than eight members, including a coordinator, to the Monitoring Team, taking into account the areas of expertise referred to in paragraph 7 of resolution 1526(2004);

21. Decides to review the measures described in paragraph 1 above with a view to their possible further strengthening in seventeen months, or sooner if necessary;

22. Also decides to remain actively seized of the matter.

Annex I to resolution 1617(2005)

In accordance with paragraph 19 of this resolution, the Monitoring Team shall operate under the direc-
tion of the Security Council Committee established pursuant to resolution 1267(1999) and shall have the following responsibilities:

(a) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(b) To submit a comprehensive programme of work to the Committee for its approval and review, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with the Counter-Terrorism Committee Executive Directorate to avoid duplication and reinforce synergies;

(c) To submit, in writing, three comprehensive, independent reports to the Committee, the first by 31 January 2006, the second by 31 July 2006, and the third by 10 December 2006, on implementation by States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures, as well as reporting on listing, de-listing, and exemptions pursuant to resolution 1452(2002);

(d) To analyse reports submitted pursuant to paragraph 6 of resolution 1455(2003), the checklists submitted pursuant to paragraph 10 of this resolution, and other information submitted by Member States to the Committee as instructed by the Committee;

(e) To work closely and share information with the Counter-Terrorism Committee Executive Directorate and the group of experts of the Security Council Committee established pursuant to resolution 1540(2004) to identify areas of convergence and to help to facilitate concrete coordination among the three Committees;

(f) To develop a plan to assist the Committee with addressing non-compliance with the measures referred to in paragraph 1 of this resolution;

(g) To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Consolidated List;

(h) To consult with Member States in advance of travel to selected Member States, based on its programme of work as approved by the Committee;

(i) To encourage Member States to submit names and additional identifying information for inclusion on the Consolidated List, as instructed by the Committee;

(j) To study and report to the Committee on the changing nature of the threat of Al-Qaida and the Taliban and the best measures to confront it;

(k) To consult with Member States, including regular dialogue with representatives in New York and in capitals, taking into account comments from Member States, especially regarding any issues that might be contained in the reports of the Monitoring Team referred to in paragraph (c) of this annex;

(l) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(m) To assist the Committee in preparing oral and written assessments to the Council, in particular the analytical summaries referred to in paragraphs 17 and 18 of this resolution;

(n) Any other responsibility identified by the Committee.

Annex II to resolution 1617(2005)

1267 Committee Checklist

Please provide to the United Nations 1267 (Al-Qaida/Taliban Sanctions) Committee by XXX date information on the following individuals, groups, undertakings, and entities added in the last six months to the Committee’s Consolidated List of those subject to the sanctions described in Security Council resolution 1267(1999) and successor resolutions.

This information is provided by the Government of on XXX date.

(See checklist on p. 414)

Sanctions Committee activities

The Al-Qaida and Taliban Sanctions Committee, established pursuant to resolution 1267(1999) [YUN 1999, p. 265], submitted a report [S/2006/22] covering its activities from 1 January to 31 December 2005. During that period, the Committee held seven formal meetings and 36 informal consultations at the expert level.

The Security Council, in resolution 1617(2005) (see above), provided more clarity regarding the mandatory sanctions measures and their implementation. The resolution provided an explanation of the term “associated with”, in reference to association with Al-Qaida, Osama bin Laden and the Taliban, thus clarifying who could be subject to placement on the Committee’s Consolidated List. Annex II of the resolution contained a checklist for monitoring sanctions implementation by States. The Council also extended the mandate of the Analytical Support and Sanctions Monitoring Team for a period of 17 months, to be discharged under the direction of the Sanctions Committee.

The Committee considered the recommendations contained in the Monitoring Team’s second and third reports (see below). Some of the recommendations contained in the third report were referred to the Counter-Terrorism Committee (CTC) for further action and some to the Committee established pursuant to resolution 1540(2004) [YUN 2004, p. 544] for information. The Committee also identified a number of recommendations, such as listing and de-listing issues, that would require its further consideration. For the first time, the Committee decided to issue, as a letter from the Chairman (see below), its comments and observations on the recommendations contained in the third report, that should be brought to the attention of all States.
To comply with its obligation to submit a written analytical assessment of Member State implementation of relevant sanctions measures pursuant to paragraph 13 of resolution 1526(2004) [ibid., p. 332], the Committee requested the Monitoring Team to assist it by providing a preliminary analysis, which it received on 11 July. Based on the information provided in the analysis, the Committee submitted its assessment (see below) with the expectation that it would serve as feedback for Member States that had submitted their implementation reports and as a source inspiration for the 46 non-reporting States.

The Committee continued to consider notifications and requests submitted by Member States pursuant to resolution 1526(2004) [YUN 2004, p. 332], seeking exceptions to the sanctions measures. It also updated its Consolidated List of individuals and entities belonging to or associated with Al-Qaida and the Taliban on the basis of relevant information provided by Member States. The Committee increased cooperation with the International Criminal Police Organization (Interpol). The UN Secretariat and Interpol also elaborated a supplementary agreement to implement the cooperation agreement between the two organizations.

**Monitoring Team**

The Analytical Support and Sanctions Monitoring Team (the Monitoring Team), established by Security Council resolution 1526(2004) [YUN 2004, p. 332], had the mandate of collating, assessing, monitoring, reporting on and making recommendations regarding the implementation of measures imposed in that resolution.

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**Report of Monitoring Team (February).** Pursuant to Council resolution 1526(2004), the Sanctions Committee Chairman, on 14 February [S/2005/83], transmitted to the Council President the second report of the Monitoring Team. The report noted that there had been no let-up in the determination of Al-Qaida, the Taliban and their associates to continue their campaign of terror, with further escalation in terms of the brutality of attacks. Although the Team's focus was to examine the implementation of existing sanctions, it noted that, by themselves, they could only hope to limit Al-Qaida activity, not end it.

The Team, drawing on its assessment of Member States' reports and other evidence, suggested a list of specific criteria, among other factors, for measuring compliance and implementation at the national level, and proposed various strategies to enhance implementation, including that the Council ask States to complete a compliance checklist after each additional listing. The assets freeze was perhaps the most implemented of the sanctions on a global scale, and constituted the most effective mechanism for preventing large-scale terrorist operations. Member States had generally reformed their official banking systems to prevent listed parties from receiving or transferring money, but there were many unofficial ways to circumvent those restrictions. Cash couriers, alternative remittance systems and charities could all be exploited to finance terrorism, and the challenge for the international community was finding a proper balance between restricting the flow of money to terrorists and allowing legitimate transactions to continue freely.
In terms of the arms embargo, the Team believed the world community had, in some senses, been the victim of its own success. Although embargoes might have impeded terrorists from obtaining military-style weapons and arms, they had not stopped their attacks. The Team considered three areas for action: man-portable antiaircraft missile systems, commercially available materials that could be turned into explosives and weapons of mass destruction.

Implementation of the travel ban could be viewed as a sanctions regime as effective as Member States had reported any violation. However, it was unlikely that no listed individual crossed a national border in the three years since it was enacted. The Team suggested that the travel ban be refined and clarified to deal with overt attempts by those listed to travel, and proposed new initiatives to prevent covert travel. The Team discussed those topics with Interpol, among others, and proposed a joint partnership between the United Nations and Interpol on matters of common concern, including stolen, lost and fraudulent travel documents, international arrest warrants and additional information on listed persons that Interpol might possess.

Annexed to the report were several annexes containing additional case studies, summaries of sanctions-related litigation and other supplementary information.

Report of Monitoring Team (September). Pursuant to Security Council resolution 1526 (2004), the Sanctions Committee Chairman, on 2 September [S/2005/572], transmitted to the Council President the third report of the Monitoring Team. The Team found that Al-Qaida continued to evolve and adapt to the pressures and opportunities of the world around it, and the threat of a significant attack remained real in all areas. At the same time, there had been a revival of the threat from the Taliban. The international consensus against Al-Qaida and the Taliban remained firm, helped by a common understanding of the high level of the threat and of the international consequences of a successful major attack. States increasingly saw the advantage of making the sanctions regime as effective as possible, and more of them wished to participate in shaping its development. While the Consolidated List, the assets freeze, the arms embargo and the travel ban continued to provide the basis for an effective regime, there was scope to further improve implementation of those measures and to make them more powerful. More States had proposed names for the Consolidated List, or improvements to existing entries, and reported activity with regard to implementation. Although there had been further reports of assets freezing, the combination of sanctions had still not achieved its full potential and the Monitoring Team made further recommendations for improvement. The report also addressed two issues of concern to many States: the need for greater fairness in the application of the sanctions and the lack of sufficient identifiers on the Consolidated List. Concerning the assets freeze, apart from the lack of identifiers, it suffered from the ability of terrorists and their supporters to use alternative and often illegal means to raise and transfer money. The Team made specific proposals to deal with the abuse by listed persons and other terrorists of, for example, charities and other non-profit organizations and alternative remittance systems.

As terrorist tactics had evolved, the Team believed the arms embargo should change accordingly, taking into account, among other tactics, how their fundamental objective to influence public opinion through the media affected their choice of weapons. It suggested that the scope of the embargo and its links to other international non-proliferation agreements could provide fruitful areas for future work by the Council and the Committee. Concerning the implementation of the travel ban and similar national prohibitions, the Team supported initiatives to increase the use of biometrics in travel documents and to enhance regional and international cooperation in matters relating to security and the travel of listed persons and other terrorists.

Sanctions Committee observations (December). On 1 December [S/2005/760], the Sanctions Committee’s Chairman transmitted to the Council President the Committee’s comments and observations on the recommendations contained in the Monitoring Team’s third report (see above). The Committee found that many of the recommendations should be brought to the attention of Member States, as they could significantly improve their implementation of the sanctions measures. However, while acknowledging the value of the Team’s recommendations, the Committee arrived at its own conclusions, not necessarily shared by the Team.

The Committee supported the Team’s recommendation to render the List in both English transliteration and in the language of the original documents, which would lead to greater accuracy and clarity and thus better implementation of sanctions. The Committee had already requested the Team to work with relevant States in ensuring an accurate rendition of the names in their original language and hoped to update the List with that information before the end of December.

The Committee also agreed to replace the current numbering system, which changed each
time an individual or entity was added, with a permanent reference number, in order to ease communication between Member States and the Committee.

In its efforts to improve implementation of the sanctions regime, the Committee supported the recommendation that Member States be reminded of the meaning of a UN listing. A criminal conviction or indictment was not a prerequisite for inclusion on the List, and States needed not wait until national administrative, civil, or criminal proceedings could be brought or concluded against an individual or entity before proposing names for the List. Delays in implementing sanctions only allowed Al-Qaida or Taliban supporters an opportunity to circumvent sanctions.

As recommended by the Team, the Committee encouraged States that had not done so to enact legislation, or other measures, to allow for the freezing of assets of parties on the List, without the need for criminal offences or criminal standards of evidence to be demonstrated. While some Member States drew attention to the need to present sufficient evidence to judicial authorities as a condition for the freezing of assets, the Committee noted that such a procedure was not in conformity with Member States’ obligations under Chapter VII of the UN Charter and urged States to ensure that assets were frozen as soon as the Committee added the name of an individual or an entity to its List.

The Committee noted the broad nature of the Team’s recommendations regarding the implementation of the assets freeze, which would be useful not only in the implementation of sanctions against Al-Qaida and the Taliban, but also in general counter-terrorism efforts. It would therefore forward the recommendations to the Security Council’s CTC (see p. 107).

The Committee supported the recommendation that States should improve or adopt measures to deal with the evasion of the travel ban through the issuance of new passports. Such measures could include a requirement that individuals applying for a new passport provide details of any previous identities and travel documents under those names, and mandatory monitoring (with possible referral to law enforcement) of cases of repeat passport requests by individuals.

Assessment of sanctions implementation

In response to Security Council resolution 1267(2000) [YUN 2000, p. 332], the Sanctions Committee Chairman, on 1 December [S/2005/761], transmitted to the Council President an analytical assessment of Member States’ implementation of the measures referred to in paragraph 1 of that resolution, with a view to recommending further measures for the Council’s consideration. An analysis provided by the Monitoring Team to the Committee on 11 July, based on all reports submitted by Member States in accordance with Council resolution 1455(2003) [YUN 2003, p. 381], reports from the Monitoring Team’s and the Chairman’s visits to selected States, contacts with Member States, CTC and its Executive Directorate and other sources, was annexed to the Committee’s assessment.

The Monitoring Team’s analysis noted that all States had a counter-terrorism policy and the great majority showed awareness of Al-Qaida and the Taliban, though many might not have had the Consolidated List as their primary focus. Those States did not necessarily separate action taken against persons on the List from that taken against all those generally regarded as terrorists. States were not likely to voluntarily report that their implementation of the sanctions regime was less than complete, and while the Team could not say that any State had demonstrated a clear lack of political will, the depth of commitment might, in some cases, need further examination, since an apparent lack of capacity might conceal a lack of will.

The Monitoring Team’s contacts with Member States suggested that commitment to the sanctions would be enhanced by greater relevance and accuracy in the List and a sense that the sanctions regime was dynamic in tracking the changing nature of the Al-Qaida/Taliban threat. On behalf of the Committee, the Team had written to 85 States with a connection to names on the List to encourage updates. Thirty-seven had replied, 23 of which had supplied additional information. The Committee accepted 146 amendments concerning 63 names, and was considering many others. It was also considering how best to ensure that listed individuals and entities did not have time to move their assets before banks received notification of their listing. Controls beyond the banking sector were more difficult to implement and enforce and listed terrorists were still managing to raise and receive funds from sympathizers outside their immediate circle.

The travel ban would be helped by greater accuracy and relevance of the List, and closer cooperation with Interpol, but considerable international effort would be needed to solve the problem of false and stolen documents. The proper circulation of the List to vulnerable border crossings would need sustained analysis and assistance before solutions were found. Likewise the arms embargo would be more effective as analysis of the ways listed terrorists managed to acquire the means to launch attacks filtered...
through to help fine-tune international efforts to stem the flow.

In its assessment, the Committee observed that Member States still needed to further their implementation of sanctions. It continued to place emphasis on the submission of reports from Member States, especially since there were 47 non-reporting States.

Iraq

Situation in Iraq

In 2005, the United Nations, through the Secretary-General’s Special Representative for Iraq and the United Nations Assistance Mission for Iraq (UNAMI), continued to assist Iraq in its transition to democratic governance and reconstruction and reconciliation, despite the ever growing escalation of violence.

Communication (January). By a 19 January letter to the Secretary-General [A/59/679-S/2005/41], Turkey said that Iraq was at a crucial turning point in its political transition with the first free Iraqi elections in many decades to be held on 30 January. The UN Mission had been doing exemplary work and the Organization’s seal on the elections would make its results more legitimate for the Iraqis and the international community. However, security, especially in central Iraq, remained elusive. One large segment of Iraqi society was either unwilling or felt unable to take part in the elections, despite Turkey’s efforts to persuade that group to make a strong electoral showing. The international community’s objective had been, and remained, to transfer sovereign authority to a transition government conferred by popular mandate. As the drafting of the new Iraqi constitution would get under way in the next phase, the participation of all Iraqis in that undertaking would become all the more important.

Meeting of countries neighbouring Iraq. The Ministers for Foreign Affairs of the countries neighbouring Iraq, at their seventh meeting (Amman, Jordan, 5-6 January), attended by Bahrain, Jordan, Saudi Arabia, Iraq, Turkey, the Syrian Arab Republic and Iran, agreed on the importance of the elections for Iraq’s political transition, including the drafting of a constitution, the subsequent referendum and the election of a constitutional Government. In the concluding communiqué, participants confirmed their readiness to cooperate with the Interim Government of Iraq, to broaden political participation in the spirit of national dialogue and consensus-building and to promote Iraq’s transition to a united, democratic and pluralistic State, with a federal structure, if so decided by the Iraqi people.

The follow-up meeting to the 2004 International Ministerial Meeting of the Countries Neighbouring Iraq [YUN 2004, p. 358] was held in Cairo, Egypt, on 11 January. The meeting was attended by Iraq, Jordan, Kuwait, Saudi Arabia, the Syrian Arab Republic and Turkey, as well as by Canada, China, France, Germany, Italy, Japan, the Netherlands, the Russian Federation, the United States and the United Kingdom. The United Nations, the League of Arab States (LAS) and the EU also attended the meeting. In addition to reaffirming the call on all Iraqis to participate in the elections, several delegates emphasized the need for the political process to create conditions conducive to greater stability and reconstruction efforts.

January elections

On 30 January, more than 8.5 million Iraqis, out of a voter population of over 14 million, exercised their democratic right to vote, despite concerns about the security environment, attempts at disruption and ongoing violence and concerns about the credibility of the elections, the Secretary-General stated in his March report on Iraq [S/2005/161 & Corr.1]. He affirmed that the conduct of the elections for the Transitional National Assembly, 18 Governorate Councils and the Kurdistan National Assembly met international standards and the number of serious irregularities and complaints conveyed to the Independent Electoral Commission was relatively small, all of which were being investigated and addressed by the Commission. The Commission was supported in its work by an electoral assistance team led by the United Nations. It accredited more than 2,000 Iraqi, international and Arabic media personnel throughout the country, 33,218 national observers, 622 international observers and 61,725 agents of political parties and entities to observe the electoral process. The United Nations actively encouraged the development of election observer groups and established a project for that purpose.

The uncertain political environment and security conditions necessitated a range of contingencies and special measures. The Commission worked extensively with national and international security forces to provide a viable security framework for the elections. The security plan put in place, including the closure of borders and a ban on vehicle movements, created a security environment that permitted electoral staff to carry out their work. Of the planned
5,243 polling centres, 5,199 were able to open and operate on polling day.

From 111 competing political entities and coalitions, 275 representatives were elected to the Transitional National Assembly from a total of 7,785 candidates. Over 31 per cent of seats were awarded to female candidates, surpassing the goal established in the Transitional Administrative Law.

**Security Council consideration (February).**
On 16 February [meeting 5123], the Security Council was briefed by the Under-Secretary-General for Political Affairs, Kieran Prendergast. The Secretary-General attended the meeting.

The Under-Secretary-General said that the simultaneous holding of three elections on 30 January was a momentous event for Iraq and the international community and marked a significant development in Iraq’s transition to democratic government. The electoral system—proportional representation with a single national constituency—was chosen in order to facilitate a wide range of representation, though turnout was low in areas with a high percentage of Sunni Arabs.

The Under-Secretary-General said that the key to forging a national discussion and understanding was the drafting of the new constitution. Iraq’s most immediate challenges were forming a transitional Government that was broadly representative of Iraqi society and finding ways to bring together all Iraqi constituencies in a national effort to define the future of their country. Prominent political leaders in Iraq had signalled their sensitivity to the fact that certain constituencies, particularly among Arab Sunnis and other Arab nationalists, were likely to find themselves underrepresented in the Transitional National Assembly due to the low turnout in some regions. Those leaders had indicated their determination to assuage any fears of political alienation, including by raising the possibility of inviting representatives of groups that did not, or could not, take part in the elections to participate both in the transitional Government and in the constitution-drafting process. Conversely, some political elements that had urged a boycott or postponement of elections appeared to be insisting that their views be included in any future dialogue and that they participate fully in the drafting of a permanent constitution.

The new transitional institutions of Iraq would need the active support and engagement of the international community. The United Nations was ready to offer technical assistance and public information support, as well as political facilitation. The Secretary-General, for his part, would continue to foster greater regional and international convergence in support of Iraq’s political transition.

**SECURITY COUNCIL ACTION (February)**

On 16 February [meeting 5124], following consultations among Security Council members, the President made statement S/PRST/2005/5 on behalf of the Council:

The Security Council congratulates the people of Iraq on the successful elections of 30 January 2005. These elections represent a historic moment for Iraq and a positive step in its political transition. In turning out to the polls, Iraqis demonstrated their respect for the rule of law and national institutions, and they voted for democracy and full ownership of their affairs. The Council commends the Iraqi people for having taken this step to exercise their right to freely determine their own political future and encourages them to continue to do so in moving ahead with their political transition.

The Council congratulates the newly-elected coalitions and individuals in these elections.

The elections took place under difficult conditions, and the Council salutes the bravery of the Iraqi people who demonstrated their commitment to democracy, defying the terrorists. The Council commends the tens of thousands of Iraqis who ran as candidates, administered the elections, staffed the polls, observed the elections and provided security. The Council gives special recognition to the Independent Electoral Commission of Iraq for its fortitude and organizational skill in administering the elections.

The Council commends the Secretary-General and the United Nations for successfully assisting election preparations, including advice and support extended to the Iraqis by the Special Representative of the Secretary-General for Iraq Ashraf Jehangir Qazi, the United Nations Assistance Mission for Iraq, particularly the lead electoral adviser Carlos Valenzuela, the United Nations Electoral Assistance Division and its Director Carina Perelli. The Council also appreciates the assistance given by other international actors, including European Union electoral experts.

The Council also notes the commendable role played by the Iraqi security forces and the Multinational Force-Iraq in providing security for the elections.

These elections are an important step for Iraq’s political transition, as outlined in Council resolution 1546(2004). The Council looks forward to the seating of the Transitional National Assembly and the formation of a new Transitional Government of Iraq in the near future. A Constitution of Iraq, to be drafted under the authority of the Transitional National Assembly, is expected to be put to a referendum by October 2005 and followed by general elections by December 2005 under the new Constitution. The Council affirms its continuing support for the Iraqi people in their political transition and reaffirms the independence, sovereignty, unity and territorial integrity of Iraq.
Underlining the importance of the maximum possible participation of all components of Iraqi society in the political process, the Council stresses the need for sustained political efforts aimed at making the next steps of the transition, in particular the coming constitutional process, as inclusive, participatory and transparent as possible. The Council welcomes the statements recently made by Iraqi leaders in this regard, and strongly encourages the Transitional Government of Iraq and the Transitional National Assembly to reach out broadly to all segments of Iraqi society, with a view to promoting genuine political dialogue and national reconciliation and to ensuring that all Iraqis are duly represented and have a voice in the political process and the drafting of the Iraqi Constitution.

The Council reaffirms the leading role of the Special Representative of the Secretary-General for Iraq and the United Nations Assistance Mission for Iraq set out in resolution 1546(2004) in support of Iraq’s own efforts and as requested by the Government of Iraq, to promote national dialogue and consensus-building on the drafting of a national constitution. In this regard, the Council urges the United Nations to prepare itself rapidly and encourages the members of the international community to provide advisers and technical support to the United Nations to help it to fulfil this role.

The Council condemns, in the strongest possible terms, acts of terrorism in Iraq, which should not be allowed to disrupt Iraq’s political and economic transition. The Council calls upon those who use violence in an attempt to subvert the political process to lay down their arms and participate in the political process. It encourages the Iraqi authorities to engage with all those who renounce violence and to create a political atmosphere conducive to national reconciliation and political competition through peaceful means.

The Council stresses the continued importance of Iraq’s neighbouring countries and regional organizations in supporting the political process, cooperating with the Iraqi authorities to control transit across Iraq’s borders and extending other support for the people of Iraq in their efforts to achieve security and prosperity.

Consistent with resolution 1546(2004), the Council reaffirms its support for a federal, democratic, pluralist and unified Iraq, in which there is full respect for human rights. It welcomes the support of the international community to Iraq and underlines the importance of enhanced and expeditious assistance from all States and relevant international organizations in support of Iraq’s further implementation of the political transition process and efforts to achieve national reconciliation, economic reconstruction and stability, in accordance with resolution 1546(2004).

Communications (March-June). On 13 March [A/59/768-S/2005/257], the Ministerial Council of the Gulf Cooperation Council (GCC), at its ninety-fourth session (Riyadh, Saudi Arabia, 13 March), welcomed the success of the Iraqi electoral process and underlined the importance of involving the entire political spectrum in shaping Iraq’s future.

On 23 March [S/2005/274], the Council of LAS, at its seventeenth session (Algiers, Algeria, 22-23 March), adopted a resolution affirming the necessity of participation by all segments of the Iraqi people in the political process, in particular the drafting of a permanent Constitution based on national consensus, the holding of a referendum thereon and participation in the legislative elections scheduled for December. LAS also decided to provide training for Iraqis, including for the police and armed forces, in order to enable the Iraqi Government to terminate the foreign military presence.

On 30 April [S/2005/298], the Ministers for Foreign Affairs of the countries neighbouring Iraq, in a joint statement issued at their eighth official meeting (Istanbul, Turkey, 29-30 April), welcomed the holding of the 30 January Iraqi general elections, the subsequent appointment of Prime Minister al-Jaafari and the formation and endorsement of the Transitional National Government. They added that the United Nations should play a pivotal role in the new transitional phase, which would include the holding of the constitutional referendum and parliamentary elections and that UNAMI should serve as the focal point in receiving and processing political and donor assistance to the transition process.

On 5 April [A/59/824-S/2005/363], the Joint Council and Ministerial Meeting between GCC States and the EU, at their fifteenth session (Manama, Bahrain, 5 April), issued a joint communiqué reaffirming their willingness to work with the new Transitional National Assembly and stressing the importance of the continuing implementation of Council resolution 1546(2004) and, in particular, the drafting of a permanent constitution, leading to a constitutionally elected government by 31 December.

On 11 June [A/59/845-S/2005/386], the GCC Ministerial Council, at the ninety-fifth session (Riyadh, 11 June), reviewed the deterioration of the security and humanitarian situation and the increasing cycle of violence in Iraq. It condemned all terrorist acts that targeted Iraqi civilians and military, humanitarian and religious institutions, in addition to the abduction and torture of innocent persons. It also condemned the deliberate mass killing of Iraqis and prisoners of war, including Kuwaiti nationals and nationals of other States, perpetrated by the former Iraqi regime.

UN Assistance Mission for Iraq

The United Nations Assistance Mission for Iraq (UNAMI), established by Security Council
resolution 1500(2003) [YUN 2003, p. 346], continued to support the Secretary-General in the fulfillment of his mandate under resolution 1483 (2003) [ibid., p. 348]. UNAMI’s mission was expanded by Council resolution 1546(2004) [YUN 2004, p. 348] to include assisting in the convening of a national conference to select a Consultative Council, advising on the holding of elections, promoting national dialogue and consensus-building on the drafting of a new constitution, advising on the development of effective civil and social services and contributing to the coordination and delivery of reconstruction, development and humanitarian assistance. The Special Representative of the Secretary-General and his substantive, security and administrative support staff were based in Baghdad, while the majority of humanitarian project planning and management activities were conducted from Amman, Jordan. The primary logistics support base was in Kuwait, while two small liaison detachments were deployed in Erbil and Basra.

On 6 May, the Secretary-General appointed Michael von der Schulenburg as Deputy Special Representative for Political Affairs in Iraq to further strengthen UNAMI’s political presence in Baghdad.

During the year, the Secretary-General submitted four reports on UNAMI’s activities [S/2005/141, S/2005/373, S/2005/585, S/2005/766].

Report of Secretary-General (March). In response to resolution 1546(2004), the Secretary-General submitted a March report [S/2005/141 & Corr.1] on UNAMI’s activities in Iraq since his December 2004 report [YUN 2004, p. 358]. The Secretary-General stated that, since the elections, a number of Iraqi political leaders from successful electoral lists had signalled their willingness to invite prominent representative leaders from Arab Sunni communities to participate in the Transitional Government and in the constitution-making process, so as to ensure balanced representation in both. Similarly, several Arab Sunni and Arab nationalist political entities that did not participate in the elections, or had urged a boycott or postponement, had declared that their points of view had to be included in the next steps of the transition and that they had the right to participate fully in the drafting of a permanent constitution. Efforts were under way to prepare for the convening of the Transitional National Assembly.

Progress in the political process remained heavily influenced by the security situation. The large number of casualties among Iraqi police, security forces and civilians, as well as inadequate judicial protection, were serious impediments to law enforcement. Daily attacks against Iraqis and foreigners resumed immediately after the elections, including a terrorist attack in Hillah on 28 February, during which over 120 persons were killed and 140 injured. Curfews, restrictions on movement and other measures were imposed and eased at regular intervals in most parts of the country. At the end of February, the multinational force (MNF) and Iraqi security forces mounted a counter-insurgency campaign in Anbar province, including Ramadi. The Special Representative conveyed to the Interim Government and MNF concern over the potential political and humanitarian consequences of an escalation of the situation.

UN personnel in Iraq continued to be constrained by security conditions, necessitating extremely well-protected living and working facilities within heavily guarded areas. Movement outside the Baghdad international zone, or similarly well-protected compounds in other parts of the country, continued to be extremely hazardous and therefore dependent on MNF’s protection. Under those conditions, any expansion of the UN presence in Iraq would be limited by the number of persons who could be accommodated in the Baghdad international zone, and those who could be protected by the small security liaison detachments deployed to MNF cantonments at Basra and Erbil, which were dispatched there in February to facilitate periodic visits, prepare UN facilities and assess the security conditions required for any expansion of its presence in Iraq.

The trust fund for Iraq, established by the Secretary-General in 2004 [YUN 2004, p. 373], had received contributions totalling $8.3 million as at 1 March 2005, from 11 Member States. A mechanism for the disbursement of funds to Member States providing troops to the distinct entity was being finalized. The United States informed the United Nations that the first troop contingent contributed to the distinct entity by Georgia, would be deployed to Baghdad in March 2005.

The Secretary-General observed that the 30 January elections marked the completion of an important first step in Iraq’s political transition to the restoration of full sovereignty and the return of peace and stability. Priority attention had to be given to addressing the basic needs of all Iraqis. Security, job creation, infrastructural improvements, institutional capacity-building and effective delivery of basic services were essential for making the political and security context more conducive to a successful transition process. To meet those challenges, the new transitional institutions of Iraq would need continued and active support from the international community. The United Nations would do everything possi-
ble to implement its mandate under Security Council resolution 1546(2004), as circumstances permitted. The next step in Iraq’s transition was the constitution-making process. Full Iraqi ownership of that process would be particularly important. The Secretary-General’s Special Representative was consulting with a wide range of Iraqi representatives to promote dialogue and consensus-building in support of the political transition, including the constitution-making process. The United Nations could provide technical assistance, public information support and coordination of international assistance. UNAMI’s work in the reconstruction, development and humanitarian areas was driven by Iraqi demands and priorities; 23 UN agencies, programmes and funds were working from both inside and outside the country to ensure a coordinated and efficient effort in providing reconstruction and humanitarian assistance to Iraq.

Security Council consideration (11 April). On 11 April [meeting 5801], the Council was briefed by the Secretary-General’s Special Representative for Iraq, Ashraf Jehangir Qazi, and by the United States representative on behalf of MNF.

Mr. Qazi said that the Transitional National Assembly, which convened for the first time on 16 March, had elected a new president and two vice-presidents. Although there had been a reduction in the number of violent incidents since the elections, the tactics and lethality of the insurgency continued to evolve and were cause for concern. The faster Iraqi security forces could be trained, the sooner they would be able to take charge of the country’s security. The international community could provide critical support to Iraq’s transition by stepping up reconstruction and developmental assistance through the International Reconstruction Fund Facility, and UNAMI was prepared to play an enhanced coordinating role between donors and the Iraqi authorities. Iraqi interlocutors wanted the United Nations to assume greater responsibilities and greater visibility in Iraq. Liaison offices had been opened in Erbil and Basra for the deployment of an initial number of humanitarian and development staff. The United Nations would assess the scope for increased humanitarian and development initiatives. The arrival of newly contributed guard units assigned to provide UN security in Baghdad and Basra would, it was hoped, encourage other countries to support the expansion of UN activities in Iraq.

The United States said that Iraq remained a very difficult security environment. Terrorists and insurgents were determined to thwart the country’s progress towards peace and democracy. They continued a campaign of attacks and intimidation against Iraqi leaders and citizens, security forces and private citizens, as well as against aid workers and MNF. Iraqis continued to volunteer in large numbers to serve their country in the Iraqi security forces, over 150,000 of whom had been equipped and trained. Interior Ministry troops numbered some 85,000, including regular police, members of special police commands, public order and mechanized battalions, border guard units and dignitary-protection elements. Defence Ministry forces numbered 65,000 and included troops from the regular Iraqi army, air force, navy and special operations. Though progress had been made in building up the Iraqi security forces, more time and continued support from MNF were needed before they could reach full operational capacity. What had changed since the December 2004 report [YUN 2004, p. 357] was the increasing use of Iraqi security forces, supported by MNF as required. Military forces and civil affairs personnel, in coordination with the Iraqi Government, international donors and international and national non-governmental organizations (NGOs), also worked to provide civil, humanitarian and reconstruction assistance throughout Iraq. MNF also disbursed funds to build and improve infrastructure, provide for the welfare of the citizens and support education. The United States said that the elections of 30 January were an essential step in the Iraqi people’s path towards stability and self-governance. Transparency and broad-based participation in the drafting of Iraq’s new constitution would be critical to developing a stable and thriving democracy. Noting that security for UNAMI was a necessary condition for the United Nations to fulfil its mandate in Iraq, the United States acknowledged those countries that had pledged more than $15 million towards funding for the distinct entity under MNF’s unified command that provided security for the United Nations in Baghdad. The United States encouraged countries to provide additional assistance to the entity through the provision of funds or troops to meet the security needs of expanded UN activities. It welcomed the deployment of UN liaison teams to Basra and Erbil and wished to see the United Nations expand the implementation of its responsibilities for economic and humanitarian reconstruction assistance in Iraq.

The representative of Iraq said that the country had just marked the two-year anniversary of the fall of the previous regime. The journey had not been easy, nor would it have been possible without outside help. However, Iraq needed to be relieved from the shackles and burdens of the previous regime. It was time for the Council to dismantle the relevant legal, bureau-
cric and other relevant structures that it had imposed on Iraq before 2003.

**Report of Secretary-General (June).** The Secretary-General, in his June report [S/2005/373] on Iraq said that, after delays in reaching an agreement, the Transitional National Assembly was formally inaugurated on 16 March, but it was not until 6 April that the Assembly elected Hajim Al-Hasani as its President and Hussain Sharistani and Aref Taifour as Vice-Presidents. The Assembly’s 275 members comprised the United Iraqi Alliance (140 seats), the Kurdistan Alliance List (75 seats), the Iraqi List (40 seats), the Iraqis (five seats), Turkman Iraqi Front (three seats), National Independent Cadres and Elites (three seats), National Union (two seats), Islamic Group of Kurdistan/Iraq (two seats), Islamic Action Organization in Iraq (two seats), National Democratic Alliance (one seat), Al Rafideen National List (one seat), Liberation and Reconciliation Gathering (one seat).

To ensure adequate and legitimate representation of Arab Sunnis in the Transitional Government, many of whom did not participate in the January elections, and were therefore under-represented in the Assembly, the two main political groupings in the Assembly, the Kurdistan Alliance and the United Iraqi Alliance, negotiated, resulting in a memorandum of understanding that laid the basis for the formation of the new government. On 28 April, the Transitional National Assembly endorsed the Transitional Government, comprised of 32 ministerial and 4 deputy ministerial posts, under the premiership of Ibrahim al-Jafaari. The Presidency Council was made up of Jalal Talabani, who was sworn in as President of Iraq on 7 April, and Ghazi al-Yawar and Adel Abdul Medhi as Vice-Presidents.

On 10 May, the Transitional National Assembly established the Constitution Drafting Committee to draft a permanent constitution by 15 August, which would then be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October. The Drafting Committee established a subcommittee to identify mechanisms for making the constitution-making process more inclusive and two more Committees on Federalism and human rights.

At the international level, the United States and the EU, at the request of the Transitional Government, offered to co-host an international conference on Iraq in Brussels, Belgium, in June (see p. 423). The conference would be an opportunity for the newly formed Iraqi Government to present its priorities and strategic directions related to the political process, including the constitution-making process, the upcoming electoral events, reconstruction and development issues and security and public order issues.

The new phase of Iraq’s political transition took place in a security environment that had yet to show signs of improvement. Since the inauguration of the Transitional Government, attacks against both Iraqi civilians and public officials had increased significantly. Bombings, strikes against Iraqi and MNF installations and convoys, attacks on aircraft, hostage-takings and targeted assassinations against Iraqi civilians, including public figures, many with increasing sophistication, continued to be centred on Baghdad, Mosul, Ramadi and Tikrit. Iraqi police recruitment centres were particular targets, and indiscriminate attacks against civilians continued to cause growing numbers of casualties, with the apparent intent of demonstrating the weakness and inability of the new Government to control the security situation and of exacerbating sectarian tensions. Ground movement between the Baghdad international zone and airport had occasionally been interrupted. A major attack against local security forces in Erbil and incidents in other parts of Iraq demonstrated a sustained ability of hostile elements to select and coordinate attack targets throughout the country. The significant rise in insurgent attacks in April and May had taken a particularly heavy toll on civilians, but accurate reporting of incidents was problematic and figures concerning the number of casualties remained uncertain. MNF and Iraqi security forces stepped up their anti-insurgent campaigns in and around Baghdad, as well as in western Iraq. There were reports of high casualty rates and alleged violations of civil liberties and human rights by all sides. In response to the security situation, the Transitional Government, on 13 May, extended the Order for Safeguarding National Security to all parts of Iraq, except the three northern governorates, for another 30 days.

To strengthen security arrangements for UN staff in Iraq, a third UN personal security detail was to be deployed in mid-June.

On 30 May, Iraq requested the United Nations and the international donor community, to provide technical assistance to help in promoting national dialogue between the Constitutional Drafting Committee and the Iraqi people, and build consensus nationwide for the draft constitution. UNAMI organized its assistance programme in the areas of facilitation and good offices for promoting inclusiveness and consensus-building; institutional support; knowledge sharing; public outreach; and coordination of international assistance. It also led a joint comprehensive review of the UN-Iraqi assistance strategic framework on 24 March, which outlined the
main priority areas for future reconstruction and rehabilitation in Iraq. The United Nations also played an increasingly important role in donor coordination.

The Secretary-General observed that the United Nations had been able, under challenging circumstances, to help Iraq meet each benchmark of its political transition process. The Transitional National Assembly had requested that the Organization provide technical assistance for the Constitutional process. UNAMI had developed a comprehensive support programme and was engaged with the members of the Constitution Drafting Committee and other relevant actors to help make that process a success. However, the volatile security situation remained a formidable challenge to the transition process. The Secretary-General expressed concern about the potential for escalation of inter- and intra-communal tensions into ethnic or sectarian strife and the regional ramifications thereof.

Security Council consideration (June). On 16 June [meeting 5204], the Council was briefed on the situation in Iraq by the Assistant Secretary-General for Political Affairs, Danilo Türk.

Mr. Türk said that the security environment remained extremely challenging, particularly the ever-increasing level of sectarian violence. Security initiatives, in order to work, needed to form part of a broader credible political process that could address the underlying political problems. Two years after the demise of the former regime, it was imperative for the new Government, with the support of the international community, to deliver basic services effectively and to do more to promote the rule of law and respect for human rights.

International Conference on Iraq

On 22 June, the EU and the United States jointly hosted the Iraq International Conference in Brussels. More than 80 countries and organizations, including the United Nations, attended the Conference. The preparatory process was led by a steering group composed of the EU, the United States, Iraq, Egypt, Japan, the Russian Federation and the United Nations. A preparatory meeting took place in Cairo, Egypt on 2 June. The International Conference focused on building a renewed international partnership with Iraq based on a comprehensive approach that involved supporting Iraq’s political transition process, encouraging its economic recovery and reconstruction, and helping to establish the rule of law and public order in the country. The Transitional Government of Iraq set out its vision and strategy in those areas, stressing priority activities. Participants resolved to support the Transitional Government in accordance with resolution 1546(2004). The Secretary-General, who attended the conference, expressed the hope that the new partnership forged at the meeting would mean wider and deeper consensus in the Security Council in support of resolution 1546(2004).

Assassination of diplomats and escalation of violence

On 7 July [S/2005/458], Egypt informed the Council President that the Head of the Egyptian Mission to Iraq, Ambassador Ihab El Sherif, had been abducted and killed in Baghdad by a group of terrorists. Egypt also reaffirmed its commitment to the Iraqi people.

On 8 July [S/2005/491], Saudi Arabia said that the killing of Ambassador El Sherif was wrongly and falsely couched under the guise of religion.

The Security Council, in statement S/PRST/2005/29 of 8 July (see p. 1155), condemned the assassination of Ambassador El Sherif, as well as terrorist attacks in Iraq, including the attempted assassinations of diplomats from Bahrain and Pakistan.

In related action, the Council, in statement S/PRST/2005/37 of 27 July (see p. 1100), condemned the assassination of two Algerian diplomats.

Concerned with the escalation of violence, the Council, in resolution 1618(2005) of 4 August (see p. 104), took note of the attacks that had taken place in July, which resulted in over 100 deaths, including 32 children. It expressed concern regarding the increasing attacks on foreign diplomats, including murder or kidnapping.

Communication. On 25 July, Foreign Ministers of the Organization of the Islamic Conference (OIC) (Sana’a, Yemen, 28-30 June) [A/59/884-S/2005/292], adopted a resolution on Iraq, in which they stressed, among other things, the necessity for Iraq’s neighbours to take effective measures to control their borders, in order to prevent the movement of terrorists from and into Iraq. They also decided to cancel all of the country’s arrears to OIC up to the 2004-2005 financial year.

Extension of UNAMI’s mandate

On 3 August [S/2005/309], the Secretary-General informed the Security Council President that, despite severe operational and security constraints, UNAMI had grown in size and expanded its activities in Baghdad since it resumed operations in Iraq in August 2004. It had 260 UNAMI civilian and military personnel based in Iraq and those numbers were expected to rise further in 2005, with the operational use of new facilities in
Erbil and Basra, and increased reconstruction, development and humanitarian activities in those areas. UNAMI’s electoral and constitutional support would continue beyond the scheduled completion of the timetable outlined in resolution 1546(2004), if so requested by the Iraqi Government. Similarly, UNAMI was ready to continue to assist in reconstruction, development and humanitarian assistance as long as the Iraqi Government deemed it necessary. Adequate support and resources would be required for UNAMI to continue to implement its mandated tasks. In that regard, the Secretary-General welcomed the spirit of international cooperation, evidenced at the Brussels Conference on Iraq on 22 June (see above), and hoped it would translate into increased support for UN efforts inside Iraq. He recommended that UNAMI’s mandate be extended for a further period of 12 months.

SECURITY COUNCIL ACTION


The Security Council,


Reaffirming the independence, sovereignty, unity and territorial integrity of Iraq,

Stressing that this Iraqi national dialogue, which the Mission should assist, is crucial for the political stability and unity of Iraq,

Taking note of the letter dated 3 August 2005 from the Secretary-General addressed to the President of the Security Council,

1. Decides to extend the mandate of the United Nations Assistance Mission for Iraq for another period of twelve months from the date of the present resolution;

2. Expresses its intention to review the mandate of the Mission in twelve months or sooner, if requested by the Government of Iraq;

3. Decides to remain seized of the matter.

Further political and security developments

Report of Secretary-General (September)

The Secretary-General, in his 7 September [S/2005/585] report on UNAMI’s operations and on the progress made towards the political transition in Iraq, said that Iraq’s evolving transition was dominated by the writing of a permanent constitution, preparations for the referendum on the constitution and elections for a permanent government. The delays in convening the Transitional National Assembly and forming the Transitional Government reduced the time available for completing the draft constitution by the 15 August deadline. Additional time was therefore required to make the Constitution Drafting Committee more inclusive of the aspirations of all Iraqi political constituencies. Some 15 Sunnis and 10 advisers were brought into the process and the Committee held its first meeting on 5 July.

The security situation in Iraq affected the constitution-making process. Among other incidents, representatives of the Sunni Conference were repeatedly threatened because of their participation in the constitutional proceedings and a Sunni Arab representative to the Committee was assassinated on 19 July. On 1 August, the Constitution Drafting Committee decided not to request an extension and to aim at completing the draft by the 15 August deadline. President Jalal Talabani convened a leadership conference on 7 August that brought Iraq’s political leaders together to forge a political compact on outstanding issues. The Transitional National Assembly voted twice to extend the deadline. On 28 August, the text of the draft constitution was resubmitted to the Assembly, but agreement on several issues remained elusive and negotiations between the parties continued.

In other developments, on 12 June, the inaugural session of the Kurdistan National Assembly elected Massoud Barzani to a four-year term as President of the Kurdistan Regional Government. At the request of the Iraqi Electoral Commission, the UN Electoral Division deployed a needs assessment mission to Iraq from 5 to 26 June to review electoral planning issues. As a result of the mission’s recommendations and a meeting held in Jordan (28-30 June), a “critical path” document outlining tasks, deadlines and resources for UN assistance to the Electoral Commission was drawn up. The Transitional National Assembly and the Independent Electoral Commission began preparations for the constitutional referendum on 15 October. On 25 July, the Assembly adopted the referendum law, which was signed by the President. On 8 August, the Assembly requested UN assistance in drafting a new electoral law. At the request of the Transitional Government, the United Nations initiated steps towards a national census.

At the fourth meeting of regional donors to the International Reconstruction Fund Facility for Iraq (18-19 July, Dead Sea, Jordan), Iraq presented its 2005-2007 development strategy. In the area of human rights, on 8 August, the Trans-
tional Government reinstated capital punishment, which had been abolished by a decree of the Coalition Provisional Authority, and authorized the execution on 17 August of three men convicted of kidnapping, killing and rape.

The Secretary-General observed that the constitutional process had engaged the Iraqi people in an unprecedented debate on key challenges facing their country, which generated significant political momentum despite the difficult circumstances in which the process had taken place. However, continuing acts of terrorism, violent crimes, including kidnappings and torture, and the adverse actions of security forces and paramilitary groups, represented a disconcerting source of human rights violations in the country. Deficiencies in the administration of the justice system posed a major challenge and the lack of basic services and economic prospects furthered the perception among many Iraqis that the political process had yet to fully deliver on its promise of a better life. Developing the capacity of the Iraqi security forces to assume full responsibility for their country’s security remained a crucial task and the full reintegration of local militias and paramilitary forces into the new Iraqi security apparatus had to be part of that effort. National reconciliation would remain the major challenge for the Iraqi people. It was incumbent upon the Iraqi political parties and groups to develop mutually beneficial approaches to resolving differences and responding to the demands of all constituencies. While pursuing their respective policy interests, communities had to build bridges of hope and trust between one another with a view to strengthening their sense of nationhood and preserving the unity, territorial integrity, sovereignty and political independence of Iraq. Otherwise, rising sectarian tensions and violence held the potential for escalation into serious civil strife.

Security Council consideration (September). On 21 September [meeting 5266], the Council was briefed by the Special Representative of the Secretary-General for Iraq and by the United States representative on behalf of MNF.

The Special Representative said that the text by the Transitional National Assembly of a draft constitution was not designated until 28 August, which continued to be discussed and changed. Changes to the text were finally read out to the National Assembly on 18 September. Major points of contention were the issue of federalism, modalities for the formation of regions in addition to the existing Kurdistan region, the identity of the State, the role of Islam as a source of law, and the distribution of powers with respect to natural resources, including oil and water. Several important constitutional arrangements were deferred to the next elected national assembly for legislative action. A copy of the constitutional text to be put to the Iraqi people on 15 October was formally communicated to the Special Representative, with a request that UNAMI facilitate its publication and distribution. Preparations were also being made for general elections. The Special Representative said that, while the referendum and the elections were necessary instruments in Iraq’s transition to democracy, they were only staging posts along an evolving transition. Irrespective of their outcome, a number of overarching challenges remained, including promoting national reconciliation; respecting Iraqi ownership of the political process and strengthening the security of the State; developing good governance practices and institutional capacity-building; and encouraging international and regional engagement and consensus in support of Iraq’s transition.

The United States said that the number of terror incidents had been relatively steady in the post-election period, with attacks concentrated in four of Iraq’s 18 provinces. The frequency of attacks on Iraq’s infrastructure, such as electricity generation and oil facilities, decreased since the election, but they continued to have an adverse impact on the availability of electricity and on oil revenues. The capacity of Iraqi Security Forces was increasing, reducing the influence and effectiveness of insurgents, and strengthening Iraqi rule-of-law capabilities. As at 19 September, there were 193,000 trained and equipped Iraqi security forces, including 104,000 police, highway patrol and other forces under the Ministry of the Interior, and 89,000 in the army, air force and navy. Those forces, in partnership with MNF, increasingly conducted the full spectrum of counter-insurgency operations to isolate and neutralize former regime extremists and foreign terrorists. To stem the flow of foreign fighters, priority had been placed on securing the Iraqi-Syrian border. MNF and the Iraqi Government were developing a conditions-based security plan to define the environment necessary for further and greater transfers of responsibility from MNF to the Iraqi security forces.

On the same day, in a closed meeting [meeting 5267], the Security Council had a constructive exchange of views with the Minister for Foreign Affairs of Iraq, Hoshyar Zebari.

Referendum on the constitution. The Secretary-General, in his December report on Iraq [S/2005/66], stated that further amendments to the Iraqi constitution were put before the Assembly on 12 October. Those related to the federal and united character of Iraq, the use of Iraq’s two official
languages in federal and official institutions in the Kurdistan region, Iraqi citizenship, the administration of "national treasures", the question of de-Baathification, and the institution of a constitutional review process, which provided for a comprehensive review of the new constitution following the convening of the new parliament and the Council of Representatives, after the 15 December elections. On 13 October, which was declared National Constitution Day, the following took place:

- The convening of the new parliament
- A comprehensive review of the new constitution
- A constitutional review process, which provided for a comprehensive review of the new constitution following the convening of the new parliament and the Council of Representatives, after the 15 December elections. On 13 October, which was declared National Constitution Day, the convening of the new parliament and the Council of Representatives, after the 15 December elections.

According to the final certified results released by the Electoral Commission, there was a 64.6 per cent voter turnout, with 79 per cent voting in favour and 21 per cent against. Two governorates (Al Anbar and Salahaddin) voted by more than two thirds to reject the draft constitution. Based on those results, the Board of Commissioners therefore decided that the draft constitution was adopted.

Overall, referendum day saw a high level of voter turnout throughout the country and among all the main political constituencies, despite the difficult security situation. That result marked a change from the elections held in January (see p. 417), where the turnout was significantly low in some areas and among some groups, particularly Arab Sunnis.

Report of Secretary-General (December). In response to resolution 1546(2004), the Secretary-General submitted a December report (S/2005/760) on UNAMI’s operations and on developments in the political transition process since his September report (see p. 424). The Secretary-General visited Iraq on 12 November, where he met with political and community leaders. He reiterated the UN’s commitment to supporting Iraq’s political and economic reconstruction, as well as the need for national dialogue and reconciliation. He also emphasized the need for Iraqis to have a chance to vote and for the political process to be transparent and fair. In addition, the report noted the importance of human rights and the need to protect civilians from violence.

Communications. The ninetieth regular session of the GCC Ministerial Council (Jeddah, Saudi Arabia, 6-7 September) [A/60/388-S/2005/62], in a press statement, noted the further deterioration of the security and humanitarian situation in Iraq, and condemned all terrorist acts that targeted civilians and the kidnapping of innocent persons.

The final communiqué of the annual coordination meeting of OIC Ministers for Foreign Affairs (New York, 23 September) [A/60/440-S/2005/658 & Corr.2] condemned all calls based on sectarianism which caused discord among Iraqi people,
in particular calls by terrorist groups for Iraqis to fight against each other.

By a 2 December letter to the Secretary-General [A/60/577-S/2005/755], Turkey said that the willingness of the United Nations to work in partnership with the Iraqi Government to assist the Iraqi people in whatever way possible remained a key element for the success of the political transition process.

The Third Extraordinary Session of the Islamic Summit Conference (Makkah Al-Mukkarramah, Saudi Arabia, 7-8 December) [A/60/633-S/2005/806], in the final communiqué, expressed the hope that the legislative elections, scheduled for 15 December (see below), would lead to a constitutional Iraqi Government so as to safeguard the country’s unity and territorial integrity and ensure peace, security and stability.

Security Council consideration (December). On 14 December [meeting 5325], the Security Council was briefed on the situation in Iraq by the Under-Secretary-General for Political Affairs and by the United States representative.

The Under-Secretary-General said that the 15 December general election was about to bring to a conclusion the political process outlined in resolution 1546(2004), even though much remained to be done about the security situation. Irrespective of the outcome of the election, the need for national dialogue and reconciliation was of the utmost importance. Moreover, after three years of dramatic change and decades of deprivation, Iraqis were still looking to their leaders for tangible improvements to better their lives and further stabilize their country. It was therefore in the interest of the region and the international community to continue to provide long-term support to Iraq. While in resolution 1637(2005) (see p. 429) the Council reaffirmed the leading role of the United Nations in assisting Iraq with further political and economic development, it had to be recognized that the UN’s capacity in Iraq depended on the commitment and support of States Members. In that regard, an agreement was signed on 8 December between the United Nations and the United States for the provision of security for UNAMI, formalizing the security arrangements that were already in place for the United Nations in Iraq.

The United States representative said that, as had happened in the run-up to the October referendum, insurgent attacks increased leading up to the 15 December election. Although about 80 per cent of all attacks were directed against MNF, about 50 per cent of all casualties were Iraqis. While attacks on Iraq’s infrastructure accounted for a small portion of total attacks, they continued to have a significant impact on the Iraqi Govern-ment’s oil revenue and provoked public dissatisfaction with essential services. MNF’s operations disrupted key insurgent cells, limited their movement and facilitated progress in reconstruction and democracy-building. Despite persistent security challenges, significant progress was made in wresting territory from enemy control due to MNF and Iraqi-led operations. MNF continued to work with the Iraqi Government to train and equip the Iraqi security forces. The goal was to complete total force generation by August 2007. Despite repeated attacks against volunteers, recruiting from the Shia and Kurdish communities, as well as from Sunni areas, continued to outpace demand. Iraqi units were increasingly able to take the lead in combat operations against the insurgency and were responsible for security in Najaf, Karbala and much of Baghdad province. More than 102,000 Iraqi soldiers, sailors and airmen had been trained and equipped, in addition to 25,000 police and highway patrol officers. However, Iraqi forces were not yet ready to conduct independent operations without MNF’s assistance. MNF and its Iraqi partners faced multiple challenges in the security sphere, including countering the intimidation and brutality of enemies; building representative Iraqi security forces and institutions whose first loyalties were to the Iraqi Government; neutralizing the actions of such countries as Syria and Iran, which provided support to terrorists in Iraq; understanding the composition of and relationships between terrorists and other enemy networks; addressing the militias and armed groups that were outside the formal security sector and central Government command; ensuring that the security ministries had the capacity to sustain Iraq’s new army and police forces; and integrating political, economic and security tools, and synchronizing them with Iraqi Government efforts to foster good and transparent governance, the rule of law, respect for human rights and the well-being of all Iraqi citizens.

Parliamentary elections

The December election for a new Parliament, the Council of Representatives, marked the beginning of the last phase of the political transition processes set out in the Transitional Administrative Law [YUN 2004, p. 346]. The election, held on 15 December, was the third major national electoral event in Iraq in 2005. A total of 307 political entities and 19 coalitions encompassing more than 7,500 candidates representing almost all Iraqi communities and political affiliations entered the contest for the 275 seats in the Council of Representatives. Despite security concerns, voter turnout was high throughout the country,
with a participation rate of over 75 per cent, a significant increase from the voter turnout in the January election, which was approximately 58 per cent. In addition, compared to January, Sunni Arab voters participated in significantly greater numbers.

On 19 and 20 December, the Independent Electoral Commission announced partial election results. In response, 43 parties—mainly belonging to the Iraqi National Front, the Iraqi Accord Front and the National Dialogue Front—formed a group to protest against intimidation, ballot stuffing, over-registration, improper apportionment of seats to governorates and other election-related practices, and to lodge complaints against the Electoral Commission. Amid growing protests over the announced partial results, including calls by political parties for an external investigation, the Electoral Commission welcomed the decision of the International Mission for Iraq Elections, an international non-governmental body composed mainly of independent electoral management bodies, to deploy a monitoring team on 1 January 2006 as part of its observation mandate. Final elections results were expected to be announced in January 2006.


Multinational force

On 24 May [S/2005/357], Iraq noting that, in accordance with Security Council resolution 1546(2004), the mandate of the multinational force (MNF) was due for review, formally requested the Council to allow for the continuation of that mandate until the completion of the political process, or until Iraq could provide for its own security needs.

Security Council consideration (May). On 31 May [meeting 5/90], the Council was briefed by the United States representative on MNF’s efforts and progress in Iraq. The United States representative said that MNF’s mandate authorized the multinational force to take all necessary measures for maintaining security and stability in Iraq, including preventing and deterring terrorism, so as to allow the Iraqi people to implement freely and without intimidation the timetable and programme for the political process and to benefit from reconstruction and rehabilitation activities. MNF, with its 28 member countries and 160,000 personnel, also provided assistance in building the capacity of the Iraqi security forces and institutions through recruiting, training, equipping, mentoring and monitoring, and provided security for the United Nations. MNF’s key goals were to develop increasingly capable Iraqi security forces and to transfer more and more security responsibilities to them. MNF was committed to staying the course in Iraq and to coordinating with the Iraqi Government more effective tactics to defeat the insurgents and prevent their attacks.

MNF was making progress in its goal of helping Iraqi security forces move towards self-reliance. Some 165,000 Iraqi soldiers and police officers had been trained and equipped and the Iraqi army had over 90 battalion-level units conducting operations. Some of those forces carried on independent security operations, and others operated alongside or with MNF support. Iraqi police and military forces were shouldering the burden in 12 of Iraq’s 18 provinces. MNF would continue to focus on partnering, mentoring, teaching and capacity-building. Joint headquarters were established at the national and provincial levels to coordinate MNF, Iraqi Ministry of Defence and Iraqi Ministry of Interior operations.

MNF, in coordination with the Iraqi Government and security forces, international donors, and national and international NGOs, continued to support reconstruction and assistance activities, including building schools and hospitals, improving the infrastructure of roads, water and sanitation, and removing landmines and unexploded ordnance. MNF also recognized the difficult security challenges that Iraq posed to the United Nations, and welcomed UNAMI’s willingness and UN Secretariat staff to work closely with MNF to ensure that UN personnel faced minimum risk and delivered maximum support to Iraq. MNF units from Georgia and Romania, with United States and United Kingdom support, protected UN facilities and staff in Baghdad and Basra. In addition, the Czech Republic, Denmark, Finland, Germany, Japan, Luxembourg, the Netherlands, Portugal, Slovenia and Sweden made financial contributions for UNAMI protection.

A specific timeline for the withdrawal of MNF could not be set, but the force would not remain in Iraq any longer than necessary, nor would it leave until the Iraqis could meet the serious security challenges they faced. Any decision regarding force size would be driven by events on the ground.

On the same day [meeting 5/90], the Council had a constructive discussion with the Minister for Foreign Affairs of Iraq.
**MNF mandate extension**

On 31 October [S/2005/687], Iraq noted that, with the holding on 15 October of the referendum to approve a new Constitution for Iraq (see p. 425), the country had taken an important step in building a strong democratic future and was approaching the completion of its political transformation. However, there still remained an extensive agenda for reconstruction and political development, the realization of which would require security and stability. Iraq was confronted by forces of terrorism that incorporated foreign elements and carried out horrific attacks in an attempt to thwart political and economic development in Iraq. The Iraqi security forces needed more time to fill out their ranks, fully equip themselves and complete their training, with a view to assuming responsibility for all security matters. Until such time as the Iraqi security forces could assume full responsibility for the country’s security, continued international support would be needed, including the participation of MNF. Iraq therefore requested the Council to extend for a period of 12 months, starting 31 December 2005, MNF’s mandate, as provided for in Council resolution 1546(2004), with the provision that the Council would review that mandate upon being so requested by the Iraqi Government or at the end of eight months from the date of the resolution. It would also declare, in the extension, that it would terminate the mandate earlier if requested by the Iraqi Government. Iraq also believed that the provisions of resolution 1546(2004) relating to the deposit of proceeds into the Development Fund for Iraq and the role of the International Advisory and Monitoring Board (IAMB) (see p. 431) would help to ensure that Iraq’s natural resources were used for the benefit of the Iraqi people. Iraq requested the Council to extend the validity of those terms for an additional 12 months, subject to review.

On the same date [S/2005/691], the United States said that, consistent with Iraq’s request, MNF was prepared to continue to undertake a broad range of tasks to contribute to the maintenance of security and stability and to ensure force protection.

**SECURITY COUNCIL ACTION**

On 8 November [meeting 5300], the Security Council unanimously adopted resolution 1637 (2005). The draft [S/2005/704] was submitted by Denmark, Japan, Romania, the United Kingdom and the United States.

The Security Council,

Welcoming the beginning of a new phase in Iraq’s transition, and looking forward to the completion of the political transition process as well as to the day that

Iraqi forces assume full responsibility for the maintenance of security and stability in their country, thus allowing the completion of the multinational force mandate,

Recalling all of its previous relevant resolutions on Iraq,

Reaffirming the independence, sovereignty, unity and territorial integrity of Iraq,

Reaffirming also the right of the Iraqi people freely to determine their own political future and control their own natural resources,

Welcoming the commitment of the Transitional Government of Iraq to work towards a federal, democratic, pluralistic and unified Iraq in which there is full respect for political and human rights,

Calling upon the international community, particularly countries in the region and Iraq’s neighbours, to support the Iraqi people in their pursuit of peace, stability, security, democracy and prosperity, and noting the contribution that the successful implementation of the present resolution will bring to regional stability,

Welcoming the assumption of full governmental authority by the Interim Government of Iraq on 28 June 2004, the direct democratic election of the Transitional National Assembly on 30 January 2005, the drafting of a new constitution for Iraq and the recent approval of the draft constitution by the people of Iraq on 15 October 2005,

Noting that the Government of Iraq established as a result of the election scheduled to take place by 15 December 2005 will play a critical role in continuing to promote national dialogue and reconciliation and in shaping the democratic future of Iraq, and reaffirming the willingness of the international community to work closely with the Government of Iraq with respect to efforts to assist the Iraqi people,

Calling upon those who use violence in an attempt to subvert the political process to lay down their arms and participate in the political process, including in the election scheduled for 15 December 2005, and encouraging the Government of Iraq to engage with all those who renounce violence and to promote a political atmosphere conducive to national reconciliation and political competition through peaceful democratic means,

Reaffirming that acts of terrorism must not be allowed to disrupt Iraq’s political and economic transition, and further reaffirming the obligations of Member States under resolution 1618(2005) of 4 August 2005 and other relevant resolutions and international obligations with respect, inter alia, to terrorist activities in and from Iraq or against its citizens,

Recognizing the request, conveyed in the letter dated 27 October 2005 from the Prime Minister of Iraq to the President of the Security Council, which is annexed to the present resolution, to retain the presence of the multinational force in Iraq, and further recognizing the importance of the consent of the sovereign Government of Iraq for the presence of the multinational force and of close coordination between the multinational force and that Government,

Welcoming the willingness of the multinational force to continue efforts to contribute to the maintenance of security and stability in Iraq, including participating in the provision of humanitarian and reconstruction assistance, as described in the letter dated 29 October...
2005 from the Secretary of State of the United States of America to the President of the Security Council, which is annexed to the present resolution.

Recognizing the tasks and arrangements set out in the letters annexed to resolution 1546(2004) of 8 June 2004 and the cooperative implementation by the Government of Iraq and the multinational force of those arrangements,

Affirming the importance that all forces promoting the maintenance of security and stability in Iraq act in accordance with international law, including obligations under international humanitarian law, and cooperate with relevant international organizations, and welcoming their commitments in this regard,

Recalling the establishment of the United Nations Assistance Mission for Iraq on 14 August 2003, underlining the particular importance of the Mission’s assistance for the upcoming election by 15 December 2005 of a Government pursuant to a newly adopted Constitution, and affirming that the United Nations should continue to play a leading role in assisting the Iraqi people and Government with further political and economic development, including advising and supporting the Government of Iraq, as well as the Independent Electoral Commission of Iraq, contributing to the coordination and delivery of reconstruction, development and humanitarian assistance, and promoting the protection of human rights, national reconciliation, as well as judicial and legal reform in order to strengthen the rule of law in Iraq,

Recognizing that international support for security and stability is essential to the well-being of the people of Iraq as well as the ability of all concerned, including the United Nations, to carry out their work on behalf of the people of Iraq, and expressing its appreciation for contributions by Member States in this regard under resolutions 1483(2003) of 22 May 2003, 1511 (2005) of 16 October 2005 and 1546(2004),

Recognizing also that the Government of Iraq will continue to have the primary role in coordinating international assistance to Iraq, and reaffirming the importance of international assistance and development of the Iraqi economy and the importance of coordinated donor assistance.

Recognizing further the significant role of the Development Fund for Iraq and the International Advisory and Monitoring Board in helping the Government of Iraq to ensure that Iraq’s resources are being used transparently and equitably for the benefit of the people of Iraq.

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

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

1. Notes that the presence of the multinational force in Iraq is at the request of the Government of Iraq and, having regard to the letters annexed to the present resolution, reaffirms the authorization for the multinational force as set forth in resolution 1546(2004), and decides to extend the mandate of the multinational force as set forth in that resolution until 31 December 2006;

2. Decides that the mandate of the multinational force shall be reviewed at the request of the Government of Iraq or no later than 15 June 2006, and declares that it will terminate this mandate earlier if requested by the Government of Iraq.

3. Decides also to extend until 31 December 2006 the arrangements established in paragraph 20 of resolution 1483(2003) for the deposit into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483(2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board;

4. Decides further that the provisions in paragraph 3 above for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board shall be reviewed at the request of the Government of Iraq or no later than 15 June 2006;

5. Requests that the Secretary-General continue to report to the Security Council on the operations in Iraq of the United Nations Assistance Mission for Iraq on a quarterly basis;

6. Requests that the United States of America, on behalf of the multinational force, continue to report to the Council on the efforts and progress of the force on a quarterly basis;

7. Decides to remain actively seized of the matter.

Annex I

Letter dated 27 October 2005 from Mr. Ibrahim Aleshaiker al Jaafari, Prime Minister of Iraq, to the President of the Security Council

On 15 October 2005 Iraq voted in a general referendum held at the national level for the purpose of approving a new Constitution for Iraq. The country thus took another important step towards building a strong democratic future and establishing a Government elected in accordance with a permanent Constitution. At the same time, Iraq is approaching the completion of its political transformation through the process of electing its future legislative authority and forming a new Government, which is to take place in December 2005. There still remains an extensive agenda for reconstruction and political development, the realization of which will require security and stability.

We are proceeding towards political stability and economic prosperity and taking fundamental steps towards restoring security and stability. Yet Iraq is still confronted by forces of terrorism that incorporate foreign elements which carry out horrific attacks and terrorist acts in an attempt to thwart political and economic development in Iraq. The Iraqi security forces, which are growing in size, capacity and experience day by day, need more time to fill out their ranks, fully equip themselves and complete their training with a view to assuming responsibility for all security matters and providing adequate security for the Iraqi people. Until such time as the Iraqi security forces assume full responsibility for Iraq’s security, we need the continued support of the international community, including the participation of the Multinational Force, in order to establish lasting peace and security in Iraq.

We understand that the Multinational Force is willing to continue its efforts. We therefore request the Security Council to extend, for a period of 12 months starting 31 December 2005, the mandate of the Multi-
national Force, as provided in Council resolution 1546(2004), including the tasks and arrangements specified in the letters annexed thereto, with the proviso that the Council shall review that mandate upon being so requested by the Government of Iraq or at the end of a period of eight months from the date of the resolution and declare, in the extension, that it will terminate the mandate before the expiry of that period should the Government of Iraq so request.

The Government of Iraq believes that the provisions of resolution 1546(2004) relating to the deposit of proceeds into the Development Fund for Iraq and the role of the International Advisory and Monitoring Board will help to ensure that Iraq’s natural resources are used for the benefit of the Iraqi people. We understand that the funds deposited in the Development Fund for Iraq belong to Iraq and will continue to enjoy the immunities and privileges of the Fund, given the importance of those terms for the Iraqi people during the critical period. We request the Security Council to extend the validity of those terms for an additional 12 months and to review them upon being so requested by the Government of Iraq or at the end of a period of eight months from the date of the resolution.

The Iraqi people are determined to establish for themselves a stable, peaceful democracy, which will provide the basis for the establishment of a vibrant economy. This vision of Iraq’s future can become a reality with the help of the international community.

It is my understanding that the sponsors intend to have the present letter annexed to the resolution on Iraq currently being drafted. In the meantime, I should be grateful if you would have copies of this letter circulated to the members of the Security Council as soon as possible.

Annex II
Letter dated 29 October 2005 from Ms. Condoleezza Rice, Secretary of State of the United States of America, to the President of the Security Council

Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546(2004).

Since the end of the occupation on 28 June 2004, the Government of Iraq and the MNF have developed an effective and cooperative security partnership to address the evolving nature of Iraq’s security environment, including the continuing need to prevent and deter acts of terrorism. This partnership plays a critical role in the daily efforts to improve security throughout Iraq. In the context of this partnership, the MNF is prepared to continue to undertake a broad range of tasks to contribute to the maintenance of security and stability and to ensure force protection, acting under the authorities set forth in resolution 1546(2004), including the tasks and arrangements set out in the letters annexed thereto, and in close cooperation with the Government of Iraq. The forces that make up the MNF will remain committed to acting consistently with their obligations under international law, including the law of armed conflict.

Substantial progress has already been made in helping to build and train the Iraqi Security Forces (ISF), allowing them to take on increasing security responsibilities. The Government of Iraq and the MNF are developing a security plan to set forth the conditions necessary for transfer of security responsibility from the MNF to the ISF. Conditions permitting, we look forward to notable progress in the next year. Together, we will build towards the day when the Iraqi forces assume full responsibility for the maintenance of security and stability in Iraq.

The co-sponsors intend to annex the present letter to the resolution on Iraq under consideration. In the meantime, I request that you provide copies of the present letter to members of the Council as quickly as possible.

International Advisory and Monitoring Board

The International Advisory and Monitoring Board for Iraq (IAMB), established by Security Council resolution 1483(2003) to ensure that the Development Fund for Iraq was used in a transparent manner for the purpose set out in paragraph 14 of that resolution and that the Iraqi export sales of petroleum products and natural gas were consistent with international market best practices, continued to oversee the auditing of the Fund.

IAMB report (January). In a 7 January letter [S/2005/12] submitted by the Secretary-General to the Council President, the Secretary-General’s representative on IAMB reported on an external audit report on the Fund’s operations and Iraq’s oil export sales, covering the period from its inception up to the transition of authority by the Coalition Provisional Authority (CPA) to the Interim Government of Iraq on 28 June 2004 [YUN 2004, p. 346]. The audit firm concluded that all known oil proceeds, reported frozen assets and transfers from the oil-for-food programme had been properly and transparently accounted for in the Fund. However, on the basis of a review of the audit reports, IAMB believed that controls were insufficient to provide reasonable assurance for the completeness of export sales of petroleum and petroleum products and whether all Fund disbursements were made for the purposes intended. The priority findings of the audit report included: weaknesses in controls over oil extraction, including the absence of metering, resulting in the audit firm qualifying its audit opinions of the Fund’s statements of cash receipts and payments; control weaknesses in the administration of resources handled by CPA, including inadequate record-keeping and accounting systems, and the uneven application of agreed-upon contracting procedures; and inadequate controls identified at Iraqi spending ministries, including the absence of reconciliation procedures, insufficient payroll records, deviation from tendering...
procedures and inadequate contract monitoring by CPA relating to payments on behalf of the Iraqi ministries. The audit reports were submitted to the Iraqi Council of Ministers and CPA for attention and follow-up. As a matter of priority, the financial reporting and control systems needed to be improved in key Iraqi disbursing ministries, including the State Oil Marketing Organization and the regional Governments, and controls strengthened over oil extraction.

The Board received six audit reports prepared by the United States Defense Contract Audit Agency on sole-sourced contracts which it had previously sought. IAMBD agreed to the terms of reference for a special audit of those contracts by an independent auditor.

**Communication.** On 26 May [S/2005/341], Iraq requested the Council to approve the continuation of the Development Fund for Iraq and IAMBD, as those mechanisms had demonstrated that Iraq’s oil resources were being used transparently for the benefit of the Iraqi people and reassured donors and creditors that Iraq was managing its resources and its debts in a responsible manner. Moreover, IAMBD had helped identify areas where stewardship of the Fund could be improved.

**IAMB report (June).** In a 13 June letter [S/2005/384] submitted by the Secretary-General to the Council President, the Secretary-General’s representative on IAMBD reported on the Board’s activities since January. IAMBD received, on 21 May, the reports by an independent auditor covering the audit of Iraq’s oil export sales and the Fund’s operations for the period from 29 June to 31 December 2004. The audit reports pointed out some weaknesses, including incomplete fund accounting records; untimely recording, reporting, reconciliation and follow-up of spending by Iraqi ministries; incomplete records maintained by United States agencies, including disbursements that were not recorded in the Iraqi budget; lack of documented justification for limited competition for contracts at the Iraqi ministries; un-reconciled quantities of oil and oil products exported, indicating a lack of control and possible misappropriation of oil revenues, and significant difficulties in ensuring completeness and accuracy of Iraqi budgets and controls over expenditures; and the non-deposit of proceeds of export sales of petroleum products into the appropriate accounts in contravention of Council resolution 1483(2003) [YUN 2003, p. 338]. IAMBD drew to the attention of the Iraqi Government the weaknesses identified in the audit reports and invited it to act on the audit recommendations to strengthen the Fund’s financial controls and administration. IAMBD also met with Iraqi officials to address issues and concerns raised in the two previous audits covering the period from May 2003 to June 2004. On 15 April 2005, the United States informed IAMBD that an independent auditor had been selected to carry out a special audit of sole-sourced contracts.

**Security Council Committee established pursuant to resolution 1518(2003)**

On 23 December [S/2005/827], the Chairman of the Security Council Committee established pursuant to resolution 1518(2003) [YUN 2003, p. 502] submitted to the Council President the Committee’s annual report for 2005. The Committee was established to continue to identify, in accordance with paragraphs 19 and 23 of resolution 1483 (2005) [ibid., p. 338], individuals and entities associated with the former Iraqi regime whose funds, other financial assets and economic resources should be frozen and transferred to the Development Fund for Iraq. During the reporting period, the Committee held four informal meetings and reviewed, among other things, its draft guidelines for the de-listing of individuals and entities from its assets-freeze and transfer list.

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

**UNMOVIC**

On 19 May [S/2005/333] and 23 August [S/2005/540], the Secretary-General proposed to the Security Council the appointments of Stephen G. Rademaker (United States) to the UNMOVIC College of Commissioners, replacing Susan F. Burk (United States); and Lu Yongshou (China), replacing Chen Weixiong (China). The Council agreed to the Secretary-General’s proposals [S/2005/334, S/2005/541].

**Reports of UNMOVIC (February, May).** As called for in resolution 1284(1999) [YUN 1999, p. 230], UNMOVIC submitted to the Council, through the Secretary-General, four quarterly reports on its activities. Throughout the year, the Executive Chairman continued to provide monthly briefings to the Council President and kept the Secretary-General informed about the Commission’s activities.

The February report [S/2005/129] stated that, during the period from 1 December 2004 to 28 February 2005, UNMOVIC imagery analysts continued the ongoing review of the status of sites subject to inspection and monitoring in Iraq. Of the 411 sites inspected, Commission experts examined post-war high-resolution imagery of 353. Of that number, approximately 70 showed varying degrees of bomb damage, and about 90 con-
tained dual-use equipment and materials that had been stripped and/or razed. Commission experts also noted that repairs and new construction had commenced at 10 sites.

An UNMOVIC working group of technical experts was convened to prepare an initial study on monitoring procedures of small quantities of weapons of mass destruction (WMD) and to review the history of incidents involving small quantities of biological and chemical agents. The study would serve as the basis for a more in-depth assessment of the matter within UNMOVIC. The group considered the types and range of small quantities of agents; the capabilities needed for the acquisition of such quantities, including the quantity of precursors and capacity of equipment; and the possible points for acquiring, producing and transporting small quantities of agents for WMD, or associated primary precursors. It was noted that, although the ongoing monitoring and verification regime for Iraq included the monitoring of small-scale production activities in the biological and chemical disciplines and that relevant materials were subject to notification, it was possible that small quantities of such materials could be acquired through clandestine procurement networks. Accordingly, the group felt that some changes in emphasis and reporting thresholds in the current monitoring and verification regime might be needed, including more activity-based monitoring of sites and less reliance on specific quantities as triggers.

UNMOVIC also continued to enhance its information technology system for inspectors and analysts. It noted the continuing uncertainty over the possible existence in Iraq of biological seed stocks (reference strains of micro-organisms provided by culture collections, as well as to master and working seed stocks) that could be used in the future for the production of biological weapon agents. The College of Commissioners discussed, among other things, confirmation of disarmament, monitoring and the possible need for end-use verification of imports of dual-use items into Iraq for a defined period, and recognized that those issues, including its mandate, were ultimately matters for the Council to decide.

In the May report [S/2005/351] covering the period from 1 March to 31 May, UNMOVIC said that Iran had notified the Commission that no dual-use equipment and materials subject to monitoring, which were known to have been present at Iraqi sites, had been found on Iranian soil.

UNMOVIC imagery analysts continued to review the status of sites subject to inspection and monitoring in Iraq. The analysis revealed that dual-use items had been removed totally from 52 sites and partially from 44 others which had suffered less damage. Additionally, at 13 sites, some items that were stored in the open had been removed. No conclusion could be drawn concerning the presence or absence of equipment or materials inside undamaged buildings, nor the destination of all items removed. The report examined some of the most significant dual-use equipment removed from the 109 sites under review with respect to categories, numbers and utilities.

A series of addenda to the October 2004 United States-led Iraq Survey Group report [YUN 2004, p. 362] were released in April 2005. The Group had found that reports of WMD in Iraq were usually scams or resulted from the misidentification of materials or activities. In a very limited number of cases they related to findings of old chemical munitions produced before 1990. Overall, the addenda did not change the previous assessment and comments made by UNMOVIC with regard to the October 2004 comprehensive report, although some information presented differed in detail from that in the Commission’s possession. However, it appeared that most of the information came from interviews with individuals and was based mainly on their recollections. On the issue of the status of dual-use items and former weapons sites subject to monitoring, the limited assessments of the Iraq Survey Group corroborated information already obtained by the Commission through satellite imagery assessment.

In 2005, the results of an independent review of the biological provisions and associated annex of the monitoring and verification plan, carried out by a panel of external non-governmental technical experts, were submitted. The panel, first convened by UNMOVIC in November 2004 [YUN 2004, p. 362], suggested that Iraq could be assisted in the drafting and implementation of national legislation and compliance with international obligations, as well as in the establishment of a good records and documentation system which would help the monitoring and verification process. The panel also identified criteria to be the triggers for declarations under the monitoring plan, which pertained to containment, activities, international transfer, equipment and agents. UNMOVIC compiled its first draft of the compendium of Iraq’s proscribed weapons and programmes in March. The draft provided a detailed technical description of Iraq’s proscribed weapons and programmes with an emphasis on lessons that could be drawn from both the nature of the programmes and the experience gained in the process of their verification by UN inspectors. Examples of such lessons on specific issues were outlined in an appendix to the report.
In the August report [S/2005/545] covering the period from 1 June to 31 August, UNMOVIC said that, in June, the Commission convened a panel of external technical experts to conduct a technical review of the missile provisions and the associated list of dual-use items, equipment and technology. The panel made recommendations regarding the missile provisions, in the light of the UN monitoring and verification experience, the changed situation in Iraq and technical advances in unmanned delivery systems that could be associated with the delivery of weapons of mass destruction. An overview of the biological weapons programme of Iraq was annexed to the report.

The November report [S/2005/742] covering the period from 1 September to 30 November noted that UNMOVIC’s imagery analysts had been assessing activities at sites by analysing images of specific locations over successive time frames. Imagery from September showed that agricultural activity had started inside the perimeter of the former Muthanna State Establishment, once Iraq’s prime chemical weapons production site, where the majority of chemical weapons destruction also took place. UNMOVIC continued to follow up on dual-use technology developments and to assess the implications for its mandate and the application of new technologies in detection, monitoring and verification. An overview of Iraq’s procurement for its WMD programmes was annexed to the report.

Escrow account

On 20 June [S/2005/406], the Secretary-General proposed to the Security Council that an amount of $200,000,000 be transferred from UNMOVIC’s escrow account established under Council resolution 1284(1999) [YUN 1999, p. 250] and related resolutions to the Development Fund for Iraq, and $20,256,697 credited against assessments issued of external technical experts to conduct a technical review of the missile provisions and the associated list of dual-use items, equipment and technology. The panel made recommendations regarding the missile provisions, in the light of the UN monitoring and verification experience, the changed situation in Iraq and technical advances in unmanned delivery systems that could be associated with the delivery of weapons of mass destruction. An overview of the biological weapons programme of Iraq was annexed to the report.

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On 2 November [S/2005/702], the Secretary-General proposed that $2,182,168 plus 226,493 euros be transferred from the UNMOVIC escrow account to settle Iraq’s outstanding arrears with IAEA. On 9 November [S/2005/703], the Council approved the Secretary-General’s proposal.

IAEA

IAEA reports (April and October). In accordance with Security Council resolution 1051(1996) [YUN 1996, p. 218], IAEA submitted to the Council, through the Secretary-General, two consolidated six-monthly reports, on 13 April [S/2005/245] and 14 October [S/2005/622], on the Agency’s verification activities in Iraq.

In April, IAEA said that, since 17 March 2003, it had not been in a position to implement its mandate in Iraq under Council resolution 687(1991) [YUN 1991, p. 172] and related resolutions. Given the adoption of Council resolution 1546(2004) [YUN 2004, p. 348], IAEA’s mandate pursuant to those resolutions remained valid until the Council decided otherwise. IAEA stood ready to resume verification activities in Iraq and maintained a core team with the necessary competence required for the fulfilment of that mandate. During the period under review, IAEA continued to consolidate, restructure and further analyse the information collected by it since 1991, so as to identify lessons learned and secure data in paper and electronic archives for improved future access and maintenance of knowledge, while at the same time developing strategies for future verification activities in Iraq, should the Council direct the Agency to do so. The information obtained was derived principally from open sources and commercial satellite imagery of locations of interest to IAEA for potential future verification in Iraq. The imagery showed that there had been extensive removal of equipment and that one site, which contained buried contaminated rubble, had been extensively excavated.

In October, IAEA reported that, pursuant to the Safeguards Agreement between Iraq and IAEA in connection with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons [YUN 1968, p. 17], it carried out on 17 and 18 September its annual physical inventory verification of the nuclear material in Iraq located at the store facility near the Tuwaitha complex south of Baghdad. IAEA inspectors were able to verify all nuclear material subject to safeguards. The Iraq Nuclear Verification Office had focused on the further development of an archive system for the storage and retrieval of electronic and hard-copy information collected and generated by IAEA in the course of its Council-mandated activities in Iraq. Satellite imagery of the most significant sites continued to be collected and assessed.

Iraq-Kuwait

Oil-for-food programme: high-level Independent Inquiry Committee

The oil-for-food programme, established by Security Council resolution 986(1995) [YUN 1995,
p. 475] authorizing the sale of Iraqi petroleum and petroleum products as a temporary measure to finance humanitarian assistance, thereby alleviating the adverse consequences of the sanctions regime imposed by the Council, was phased out on 21 November 2003 [YUN 2003, p. 362]. In March 2004 [YUN 2004, p. 364], the Secretary-General informed the Council of his intention to establish an independent, high-level inquiry concerning matters arising from public news reports and commentaries that had called into question the responsibilities shared between the Security Council and management of the programme, including allegations of fraud and corruption. The independent inquiry, according to its terms of reference, was to determine whether UN procedures for the processing and approving of contracts under the programme, the monitoring of the sale and delivery of petroleum and related products and the purchase of and delivery of humanitarian goods had been violated; and whether any UN official, personnel, agent or contractor had engaged in any illicit or corrupt activities in the carrying out of their respective roles in relation to the programme. In April 2004 [ibid., p. 364], the high-level Independent Inquiry Committee (IIC), headed by Paul A. Volcker, was formed. (For further information, see Part V, Chapter I.)

On 7 September, IIC submitted its final report, “The Management of the United Nations Oil-for-Food Programme”, to the Council (see p. 1475).

Security Council consideration (September). On 7 September [meeting 5256], the Council was briefed by IIC Chairman, Paul Volcker on the broad conclusions and recommendations of the Committee’s report. The Secretary-General attended the meeting.

Mr. Volcker said that IIC found evidence of mismanagement in the oil-for-food programme and of corruption within the United Nations and by contractors. The responsibility for the failures had to be broadly shared, starting with Member States and the Council itself. In the first place, the programme left too much initiative with Iraq. That basic difficulty was compounded by a failure to clearly define the complex administrative responsibilities and management the Security Council Committee established by resolution 661 (1990) [YUN 1990, p. 192] (Committee on Sanctions) and the UN Secretariat, and by continuing political differences. The result was that no one seemed clearly in command and delays in and evasion of decision-making were chronic. The administrative structure and practices of the Secretariat and some agencies were not up to the challenge presented by the programme. Those weaknesses were aggravated by unethical and corrupt behaviour at key points at the higher levels of the Office of the Iraq Programme and in the purchasing department. There was a pervasive absence of effective auditing and administrative controls, as well as weak planning, inadequate funding and too few professional staff. The absence of truly independent status for the auditing and control functions was a critical deficiency. Close cooperation among various UN organs apparently went against the grain for agencies with their own funding, management and oversight. On the positive side, an expert study commissioned by the Committee confirmed that the programme had averted malnutrition and a further collapse of medical services in Iraq. That was no small achievement, especially when combined with the support that the programme had provided for maintaining the basic sanctions against Iraq and its inability to obtain WMDs.

IIC conclusions and recommendations called for a stronger operational capacity and authority and a new chief operating officer with a clear mandate and authority for administration; strong and independent auditing control and investigatory functions; and a strong independent oversight board.

Mr. Volcker said that IIC’s conclusions could not be dismissed as simply reporting aberrations in one programme or something that could be smoothed over with patchwork changes. The problems were symptomatic of deep-seated systemic issues. Those issues arose in an Organization designed 60 years ago for a simpler time, without large and complex operational challenges alongside its political and diplomatic responsibilities. The Organization’s credibility and confidence were challenged by the travails of the oil-for-food programme and, to some degree, the Organization had been weakened. Reform was therefore urgent and the Council and the General Assembly should set benchmarks for progress.

The Secretary-General said that the report was critical of him personally, which he accepted. The Committee had previously concluded that he did not influence, or attempt to influence, the procurement process. However, he did accept, with regret, the conclusion that he was not diligent or effective enough in pursuing an investigation after the fact, when he learned that the company that employed his son had won the humanitarian inspection contract. The evidence of actual corruption among a small number of UN staff was also disappointing. On the positive side, the Committee noted that the programme did succeed in restoring and maintaining minimal standards of nutrition and health in Iraq, while helping to maintain the international effort to prevent Saddam Hussein from acquiring WMDs.
Secondly, it observed that the wholesale corruption within the programme took place among private companies manipulated by Saddam Hussein’s Government. More important, however, were the Committee’s findings about the general management of the programme, which was characterized by weak administrative practices and inadequate control and auditing, which reflected on the system of decision-making, accountability and management throughout the Organization. Here too, the Secretary-General took responsibility for the failings revealed, both in the implementation of the programme and, more generally, in the functioning of the Secretariat.

The Secretary-General said that the report also found that many of those problems were rooted in an unclear demarcation of roles and responsibilities among the Council, its Committee on Sanctions and the Secretariat, and in particular, in the Council’s decision to retain substantial elements of operational control within the Committee on Sanctions, composed of national diplomats working under highly politicized instructions from their home Governments, yet willing to take decisions only when there was unanimous consent among all of its 15 members.

The Inquiry’s findings underscored the importance of management reforms, many of which were already being considered in the General Assembly as part of a broader agenda of political and institutional change. The Secretary-General had already embarked on new reforms in areas where he had discretion to improve the performance of senior management, strengthen oversight and accountability, increase transparency and ensure the highest standards of ethics, notably by creating a new ethics office. In addition, it was vital to review the rules governing the Organization’s budgetary and human resources, to build a stronger and better-resourced oversight structure and ensure that it was fully independent both from the Secretariat and from political interference by Member States. The Secretary-General should be allowed to carry out his functions effectively, taking decisions on the deployment of staff for the residencies without having to wait for prior approval from the Assembly, the Council or their various committees. As stated in the report, one of the fundamental problems with the oil-for-food programme was that neither the Council nor the Secretary’s leadership was clearly in command, and that turned out to be a recipe for the dilution of Secretariat authority and the evasion of personal responsibility at all levels. The Secretary-General stated that Member States, the Secretariat, agencies, funds and programmes could not be proud of what IIC had found. Reform was imperative if the United Nations was to regain and retain the measure of respect among the international community that its work required.

**Communication of Secretary-General.** On 20 December [S/2005/847], the Secretary-General informed the Council President that the United Nations had received requests from the IIC Chairman and the Government of Iraq to maintain the Committee’s operation until the end of March 2006. Given Iraq’s support for that proposal and in view of the volume of inquiries received, the Committee sought the cooperation of Member States seeking to follow up on the findings of its final report, the Secretary-General decided to accede to the IIC Chairman’s request. The basis for the extension and other details on the follow-up functions of IIC and related matters were annexed to the Secretary-General’s letter. The Committee, once it had completed its investigation, would not retain any investigative capacity or authority.

On 30 December [S/2005/848], the Council took note of the Secretary-General’s information and decision, in particular that the extension would be exclusively to assist national bodies investigating the cases resulting from the Committee’s work, manage access to the Committee archives and ensure its preservation and disposition.

**United Nations Iraq Account: letters of credit**

The Secretary-General, in response to Security Council resolution 1483(2003) [YUN 2003, p. 338] terminating all activities under the oil-for-food programme on 21 November 2003, had informed the Council [ibid., p. 366] that the United Nations would retain beyond the termination date, and until they were executed or expired, responsibility for the administration and execution of letters of credit issued under the programme by the bank for the United Nations Iraq Account (UNIA) for the purchase of humanitarian supplies for the south/centre of Iraq.

In an 8 August letter to the Council President [S/2005/355], the Secretary-General addressed the issue of the management of those letters of credit so that the termination of the oil-for-food programme could be continued in an orderly manner. As at 31 July, 549 letters of credit were reported by the bank as being “open”, due to difficulties in processing the authentication documents required for payment to the vendor, resulting in funds being retained in UNIA for the expired letters of credit. To overcome those difficulties and since most of the letters had already expired, the Secretary-General submitted proposals for reinstating or extending the letters of credit, including those that had expired by 31
December 2004, those expiring in 2005, and those due to expire in 2006 and 2007. He also made proposals for resolving a number of related issues.

On 19 August [S/2005/536], the Council welcomed the Secretary-General’s proposal and requested him to report orally to the Council on the implementation of those arrangements by mid-October.

On 17 October [S/2005/636], the Secretary-General said that consultations on the termination of the ongoing operations of the oil-for-food programme were conducted by the UN Controller with the relevant Iraqi authorities on 3 October. Of the 549 letters of credit reported as open as at 8 August, 44 had been paid, 17 reinstated for the purpose of making payments and two cancelled. However, the rate of processing of the authentication documents for the arrival of goods in Iraq had not improved. The Secretary-General outlined his course of action for dealing with the remaining letters of credit.

On 11 November [S/2005/713], the Council President said that the Secretary-General’s letter concerning the termination of operations relating to the letters of credit raised against UNIA had been brought to the attention of the Council during private consultations held on 19 October with the Controller. The Council welcomed the 3 October meeting between the UN and the relevant Iraqi authorities and took note of the new arrangements proposed by the Secretary-General. It requested him to inform the Council on the implementation of those arrangements by mid-December.

In a 19 December update [S/2005/807], the Secretary-General informed the Council that some progress had been made on the amendments to the letters of credit by the relevant Iraqi authorities. Since his letter of 17 October, Iraq had provided the United Nations with 127 formal requests for amendments and reinstatements of letters of credit. However, little progress had been made with regard to the processing of authentication documents. Bearing in mind the timetable envisaged in the previous letters, the Secretary-General provided an update on the implementation of the new arrangements concerning the termination of operations relating to the letters of credit raised against UNIA.

POWs, Kuwaiti property and missing persons

On 18 April [S/2005/293], the Council President stated that, following consultations held on 11 April, the Council had agreed that issues relating to the return of all Kuwaiti property, the repatriation or return of all Kuwaiti and third-country nationals or their remains, and the United Nations Compensation Commission would be considered under the agenda item entitled “The situation between Iraq and Kuwait”. Other issues that did not fall under that category would be considered under the agenda item entitled “The situation concerning Iraq”.

Reports of Secretary-General (April/June).

In response to Security Council resolution 1284 (1999) [YUN 1999, p. 256], the Secretary-General submitted reports in April [S/2005/233 & Corr.1], June [S/2005/377], August [S/2005/535], and December [S/2005/769] on Iraq’s compliance with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains, and on the return of all Kuwaiti property, including archives, seized by Iraq during its occupation of Kuwait, which began in August 1990 [YUN 1990, p. 189]. The High-level Coordinator for compliance by Iraq with its obligations regarding the return of Kuwaiti nationals and property, Yuli M. Vorontsov (Russian Federation), briefed the Council throughout the year.

In April, the Secretary-General observed that the search for Kuwaiti POWs and third-country nationals had not progressed substantially since the submission of his December 2004 report [YUN 2004, p. 365]. However, the identification of remains had continued. He supported the determination of the Kuwaiti Government to pursue the issue of Kuwaiti POWs and third-country nationals until all files were closed. The new Iraqi authorities had taken a constructive stance in meeting Iraq’s international obligations in accordance with resolution 1284 (1999).

In June, the Secretary-General said that the Kuwaiti national archives had still not been found. He welcomed the agreement of the Iraqi Government to send a joint Kuwaiti-Iraqi mission of experts to Tunisia to deal with the issue of spare parts belonging to Kuwait Airways Corporation (KAC) found on board two Iraqi aircrafts stationed in Tunisia.

In his August report, the Secretary-General said that different sources continued to provide information about the location of grave sites possibly containing the remains of Kuwaiti and third-country nationals. Kuwaiti assessment teams visited Iraq between March and May. Iraqi representatives took part in the joint assessment and investigative efforts.

In December, the Secretary-General said that improvement in Iraq’s cooperation could speed up the search for the remains of Kuwaiti and third-country missing persons. However, given the security situation in Iraq and the technical
difficulties in the identification process, progress in resolving the issue had been slow. The Secretary-General supported Kuwait’s call for expertise from specialized laboratories worldwide to resolve the problems of identification. He also reported that the mission of experts, led by the High-level Coordinator to Tunisia (12-16 September), ascertained that the aircraft spare parts and engine found in Tunisia belonged to Kuwait, which was further evidence of the illegal removal of items from Kuwait by the previous Iraqi regime.

**UN Iraq-Kuwait Observation Mission**


The Secretary-General submitted to the General Assembly a report on UNIKOM financing [A/59/614], providing details on the final disposition of its assets, the inventory value of which amounted to $23,916,522, as at 3 July 2003. In April 2005 [A/59/736 & Add.14], ACABQ considered the Secretary-General’s report on UNIKOM’s financing.

On 22 June, the Assembly took note of the Secretary-General’s report (decision 59/565).

**UN Compensation Commission and Fund**

The United Nations Compensation Commission (UNCC), established in 1991 [YUN 1991, p. 195] for the resolution and payment of claims against Iraq for losses and damage resulting from its 1990 invasion and occupation of Kuwait [YUN 1990, p. 189], continued in 2005 to expedite the prompt settlement of claims through the United Nations Compensation Fund, which was established at the same time as the Commission.

**Governing Council.** The Commission’s Governing Council held four sessions in Geneva during the year—the fifty-fifth (8-10 March) [S/2005/109], the fifty-sixth (28-30 June) [S/2005/367], the fifty-seventh (27-29 September) [S/2005/686] and the fifty-eighth (6-8 December) [S/2005/815]—at which it considered the reports and recommendations of the Panels of Commissioners appointed to review specific instalments of various categories of claims. The Governing Council also acted on the Executive Secretary’s report submitted at each session, which, in addition to providing a summary of the previous period’s activities, covered the processing, withdrawal and payment of claims.

Other matters considered by the Council included the processing and payment of claims, ensuring payments were made into the Compensation Fund, the distribution of payments and the return of undistributed funds. It also decided that it would not give any further consideration to claims preparation costs.

**Oversight activities**

On 29 December [S/2005/840], the Secretary-General transmitted to the Security Council the report of the Board of Auditors, updated as at 31 July 2005, on the implementation of its 2004 recommendations [YUN 2004, p. 367] relating to the Compensation Commission for the 2002-2003 biennium. The Board found that eight of its 20 recommendations had been implemented by June 2005, though the Board had yet to validate the implementation of two of them; nine remained under implementation and the Board had yet to validate the degree of implementation for three of them; and three had not been implemented.

**Timor-Leste**

In 2005, the Security Council established the United Nations Office in Timor-Leste (UNOTIL) by resolution 1599(2005) (see p. 440) as a follow-up mission to the United Nations Mission of Support in East Timor (UNMISET), which came to an end on 20 May. UNOTIL was charged with supporting and monitoring progress in the development of critical state institutions, the police and the Border Patrol Unit and observance of democratic governance and human rights.

**Commission of Experts.** Pursuant to Council resolution 1573(2004) [YUN 2004, p. 576] reaffirming the need to fight against impunity in Timor-Leste, the Secretary-General on 11 January [S/2005/96] informed the Council of the establishment of an independent Commission of Experts to review the prosecution of serious crimes against humanity committed in East Timor in 1999. The Commission, consisting of three experts, would assess the progress made by the Indonesian judicial process involving the ad hoc Human Rights Tribunal in the Indonesian Capital, Jakarta, and the serious crimes process, involving the Serious Crimes Unit and the Special Panels for Serious Crimes in Timor-Leste’s capital, Dili, and identify obstacles and difficulties encountered. It would evaluate the extent to which justice and accountability for the crimes committed in East Timor had been achieved and
recommend further measures so that perpetrators could be held accountable and reconciliation promoted.

On 26 January [S/2005/97], the Council President informed the Secretary-General that the Council had noted his decision to establish a Commission of Experts. On 17 February [S/2005/104], the Secretary-General informed the Council of the appointment of Prafullachandra Bhagwati (India), Yozo Yokota (Japan) and Shaiesta Shaheen (Fiji) to the Commission of Experts.

**UN Mission of Support in East Timor**

Prior to its closure on 20 May, UNMISET, which was established under Security Council resolution 1410(2002) [YUN 2002, p. 321], continued to carry out its mandate in Timor-Leste by providing assistance to the administrative, law enforcement and public security structures critical to the viability and political stability of Timor-Leste, in addition to contributing to the maintenance of its external and internal security.


While the National Parliament continued to strengthen the country’s legal framework through the adoption of key legislation, no progress was made in the selection of the Provedor for Human Rights and Justice. The delay was a cause for concern, especially in the light of an increase in reported cases of abuse of police power, especially in dealing with political opposition. Despite efforts to improve the relationship between the Timorese armed forces and the national police, problems continued to arise, and members of the two groups had clashed in past months. Sightings of alleged ex-militia groups, especially in border areas, had also been reported. On 20 January, the Prime Minister, Mari Alkatiri, publicly stated that it should not be assumed that the ex-militia infiltrators were acting at the behest of the Indonesian army. Nevertheless, the Tactical Coordination Line remained porous and disputes between opposing villages, illegal trading, smuggling, illegal border crossings and minor criminal activities continued to occur.

Relations between Timor-Leste and Indonesia continued to improve, with frequent high-level meetings being held during the reporting period. During his visit to Jakarta from 27 to 29 January, Timor-Leste President, Xanana Gusmão, discussed with Indonesian President, Susilo Bambang Yudhoyono, the formation of the Truth and Friendship Commission, decided on in 2004 [YUN 2004, p. 377] to deal with human rights abuses perpetrated in 1999, as well as other bilateral issues. The Commission’s terms of reference were reviewed at a meeting (7-9 February) between the Timor-Leste Minister for Foreign Affairs, José Ramos-Horta, and his Indonesian counterpart, Hassan Wirajuda.

As regards security, work on the defence plan known as “Defence 2020” was ongoing, and further progress was expected at the end of workshops to be held in May. The military liaison group continued to foster close collaboration between the Timorese and Indonesian border security agencies by holding weekly meetings at which the two countries discussed and resolved border issues and disputes. Nevertheless, working relations between the respective border security agencies remained at the developmental stage, reinforcing the continued need for military liaison officers. Additional training by the military liaison group, in cooperation with UNMISET civilian police advisers, would be needed to bring the Timorese border security agencies up to the required level of self-sufficiency. Military liaison officers would also be required to facilitate communication between the two parties, especially since a formal agreement on the demarcation of the border had not been reached. The military liaison arrangement between the Indonesian army and UNMISET was due to expire on 20 May. However, a successor arrangement between Indonesia and Timor-Leste, under which the Tactical Coordination Line would remain in place but the Border Patrol Unit would replace UNMISET’s military component, had yet to be endorsed by either side. The Secretary-General urged them to expeditiously resolve, by 20 May, a final agreement on the demarcation of the land border or a border management agreement similar to the military liaison arrangement. Timor-Leste therefore requested that a 41-person military liaison component continue to be deployed beyond 20 May. As advised by UNMISET, the Secretary-General recommended retaining 35 military liaison officers to continue facilitating contacts between the Timorese and Indonesian border security agencies, providing additional training to the Timorese border security agencies and monitoring security-related developments along the border. In addition, the continued deployment of a small international security force, of some 144 troops,
including logistic support and air mobility, would be required to protect the military liaison officers and other UN personnel. As the Timorese Police Reserve Unit had become operational, the 125-person International Response Unit would be removed, resulting in a significant reduction of the military component.

The eight transition working groups constituted by the Special Representative in August 2004 (YUN 2004, p. 375) to identify assistance requirements and assess progress made in institutional capacity-building completed their work. While their findings and conclusions did not represent a consensus of all participants, they reflected an objective assessment of the key concerns remaining in the areas covered by the UNMISET mandate, namely the development of a professional police service, the deficiencies of the Timorese security sector and the overall capacity development of State and Government institutions, including the development of a functioning justice sector. Also addressed were the continuing requirements for enhancing transparency and accountability, the future of the serious crimes process and the need to support marginalized groups.

The Secretary-General observed that tangible progress had been made in establishing sustainable State institutions and in promoting democracy, transparency, accountability and respect for human rights during the UNMISET consolidation phase, which started in May 2004 (YUN 2004, p. 568). Nevertheless, significant challenges remained and the provision of international assistance beyond the expiration of UNMISET’s current mandate on 20 May would be crucial for the long-term security, stability and sustainable development of the country. The Secretary-General, noting Timor-Leste’s request (see below) for the continuation of UNMISET’s mandate, recommended maintaining a UN mission with a scaled-down structure for 12 months, until 20 May 2006.

Communication (February). On 20 January [S/2005/101], Timor-Leste’s Prime Minister requested that UNMISET’s mandate be extended for another year, with some 41 military liaison officers, 58 civilian trainers and 62 police trainers in order to support the further development of Timorese capacity. He also hoped for a coordinated structure for the provision of that assistance which would be a single focal point of contact and include human rights and other advisers. He requested that the Secretary-General recommend those measures to the Security Council.

Security Council consideration (February). On 28 February (meeting 3832), the Security Council considered the Secretary General’s February report (see above). In his briefing to the Council, the Secretary-General’s Special Representative to Timor-Leste, Mr. Hasegawa, said that, although progress had been registered in the area of institution-building, as some State institutions, for instance banking institutions, were less dependent on international experts, it had become clear that several ministries and institutions continued to require international advisers, particularly for justice, legal and security matters, as well as in the finance and monetary sector, where highly specialized expertise was required. The Prime Minister had therefore requested the retention of 58 “most critical” posts, and while UNMISET recognized the need for many of those posts, it suggested that 45 posts might be sufficient. The United Nations Development Programme (UNDP) and the World Bank were making arrangements to fund some posts, but there had been no other firm commitments. Without some form of continued international assistance, it was almost certain that several State institutions would not be able to discharge their sovereign functions adequately after May.

Legal advisers had pointed out the urgent need to lay out basic legal frameworks for several ministries. Similarly, the Timorese authorities sought guidance on how to combat emerging corruption.

While a provisional line comprising more than 95 per cent of the borderline had been agreed upon at the technical level, Timor-Leste and Indonesia were unable to resolve the remaining issues and to establish a transportation corridor linking the enclave of Oecussi located inside West Timor with the rest of Timor-Leste.

In the area of law enforcement, UN police continued to play an advisory role, focusing on the improvement of policing capability, professional development and the institutional strengthening of the Timor-Leste national police. The professional skills development plan was concluding its second phase of training national police officers in all 13 districts, and UN police advisers and bilateral partners were working closely on a “training the trainers” course and a course for station commanders. Despite significant progress made in training officers of the Timor-Leste national police on human rights issues, the excessive use of force and professional misconduct by the national police remained major challenges. UN police technical advisers were advising and training national police officers to deal with a large backlog of professional ethics cases at the national police headquarters.

SECURITY COUNCIL ACTION

On 28 April (meeting 571), the Security Council unanimously adopted resolution 1599(2005).
The draft [S/2005/267] was prepared in consultations among council members.

The Security Council,


Having considered the report of the Secretary-General of 18 February 2005,

Commending the people and the Government of Timor-Leste for the peace and stability they have achieved in the country, as well as for their continuing efforts towards consolidating democracy and strengthening State institutions,

Commending the United Nations Mission of Support in East Timor, under the leadership of the Special Representative of the Secretary-General, and welcoming the continuing progress made towards the completion of key tasks inscribed in its mandate, particularly with regard to institutional capacity-building and social and economic development,

Expressing its appreciation to those Member States which have provided support to the Mission,

Having considered the letter dated 20 January 2005 from the Prime Minister of Timor-Leste to the Secretary-General,

Noting the Secretary-General’s analysis of the need for a United Nations presence to remain in Timor-Leste after 20 May 2005, although at a reduced level,

Noting also that the emerging institutions in Timor-Leste are still in the process of consolidation and that further assistance is required to ensure sustained development and strengthening of key sectors, mainly the rule of law, including justice, human rights, and support for the Timor-Leste police, and other public administration,

Acknowledging the excellent communication and goodwill that have characterized relations between Timor-Leste and Indonesia, including the decision to establish a Truth and Friendship Commission, and their land border agreement signed in Dili on 8 April 2005, which covers approximately 96 per cent of the land border, and encouraging continued efforts by both Governments towards resolving this and all pending bilateral issues,

Acknowledging also the decision of the Secretary-General dated 11 January 2005 to the Security Council to send a Commission of Experts to Timor-Leste and Indonesia to review the serious crimes accountability processes and recommend further measures as appropriate,

Remaining fully committed to the promotion of long-lasting stability in Timor-Leste,

1. Decides to establish a one-year follow-on special political mission in Timor-Leste, the United Nations Office in Timor-Leste, which will remain in Timor-Leste until 20 May 2006;

2. Decides also that the Office will have the following mandate:
   (a) To support the development of critical State institutions through provision of up to forty-five civilian advisers;
   (b) To support further development of the police through provision of up to forty police advisers, and support for development of the Border Patrol Unit through provision of up to thirty-five additional advisers, fifteen of whom may be military advisers;
   (c) To provide training in observance of democratic governance and human rights through provision of up to ten human rights officers; and
   (d) To monitor and review progress in (a) to (c) above;

3. Requests that, when implementing its mandate, the Office emphasize proper transfer of skills and knowledge in order to build the capacity of the public institutions of Timor-Leste to deliver their services in accordance with international principles of the rule of law, justice, human rights, democratic governance, transparency, accountability and professionalism;

4. Also requests that the Office be led by a Special Representative of the Secretary-General, who will direct the operations of the mission and coordinate all United Nations activities in Timor-Leste through its office, with due attention to safety of personnel, and facilitated by appropriate levels of logistics support, including transportation assets, such as air transport when necessary;

5. Further requests that the Secretary-General deploy some of the advisers, authorized in paragraph 2 (b) above, to assist the National Police of Timor-Leste in developing procedures for and in training the Border Patrol Unit and to assist the Government of Timor-Leste in coordinating contacts with the Indonesian military, with the objective of transferring skills to the Border Patrol Unit to assume full responsibility for such coordination as soon as possible;

6. Underlines the fact that United Nations assistance to Timor-Leste should be coordinated with the efforts of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, private sector organizations and other actors from within the international community, and encourages the Special Representative of the Secretary-General to establish and chair a consultative group, made up of these stakeholders in Timor-Leste, that will meet regularly for that purpose;

7. Urges the donor community, as well as the United Nations agencies and multilateral financial institutions, to continue providing resources and assistance for the implementation of projects towards sustainable and long-term development in Timor-Leste, and urges the donor community to actively participate in the donors conference scheduled to be held in April 2005;

8. Encourages, in particular, the Government of Timor-Leste, the Office, the United Nations Secretariat, United Nations development and humanitarian agencies, and multilateral financial institutions to start immediately planning for a smooth and rapid transition in Timor-Leste from a special political mission to a sustainable development assistance framework;

9. Reaffirms the need for credible accountability for the serious human rights violations committed in East Timor in 1999, and in this regard underlines the need for the Secretariat, in agreement with the authorities of Timor-Leste, to preserve a complete copy of all the records compiled by the Serious Crimes Unit, calls upon all parties to cooperate fully with the work of the Secretary-General’s Commission of Experts, and looks
forward to the Commission’s upcoming report exploring possible ways to address this issue, including ways of assisting the Truth and Friendship Commission which Indonesia and Timor-Leste have agreed to establish;

10. Requests the Secretary-General to keep the Council closely and regularly informed of developments on the ground and of the implementation of the mandate of the Office, and the planning for a transition to a sustainable development assistance framework, and to submit a report within four months of the date of adoption of the present resolution and every four months thereafter, with recommendations for any modifications such progress might allow to size, composition, mandate and duration of the presence of the Office;

11. Decides to remain actively seized of the matter.

Report of Secretary-General (May). The Secretary-General, in his May end of mandate report [S/2005/30] reviewing the activities of UNMISET, said that occasional problems continued to arise between the Timorese armed forces and the national police, including an altercation near a nightclub in Dili which remained under investigation. The problem posed by the proliferation of weapons in Timor-Leste was highlighted by an assault upon the manager of the Australia-New Zealand Bank and his wife outside their residence in Dili. Violence perpetrated by martial arts groups also increased during the reporting period, as did illegal cross-border activities.

Local elections were successfully held in the eastern districts of Baucau, Lautem and Manatuto in two phases, on 17 and 23 March, respectively. The technical and logistical difficulties encountered in the first phase of the elections, including errors in the voter roll, invalid voter registration cards and inadequate transportation to the polling stations, were mostly overcome in the second phase. While the ruling Fretilin party dominated the elections in Dili, violence in Baucau district, independent and opposition candidates won a significant number of seats in the other two districts.

Relations between Timor-Leste and Indonesia were further reinforced by the visit of the President of Indonesia, Susilo Bambang Yudhoyono, to Timor-Leste on 8 and 9 April. In an address to the Timorese Parliament, President Yudhoyono stressed Indonesia’s commitment to resolve the outstanding issues between the two countries, including the status of East Timorese refugees residing in western Timor, security in border areas, and the common land and maritime boundaries. Indonesia intended to establish a land connection route between Oecussi and mainland Timor-Leste, continue the scholarship programme for Timorese students studying in Indonesia, and provide training for 100 Timorese police officers in Indonesia. In a symbolic gesture of reconciliation, President Yudhoyono ended his visit by laying a wreath at the Santa Cruz cemetery. During that visit, the Foreign Ministers of Timor-Leste and Indonesia signed the Provisional Agreement on the Borderline, as finalized by the Technical Subcommittee on Border Demarcation and Regulation at its meeting in Bogor, Indonesia, on 28 and 29 March. The Agreement, which came into effect on 8 May, established a provisional borderline covering approximately 96 per cent of the entire land border. The Technical Subcommittee was due to meet again shortly thereafter to discuss the surveys to be carried out on the remaining 4 per cent of the border, most of which was located along the Oecussi enclave border, as well as additional ground surveys to further refine the agreed provisional line.

On 29 March, the National Parliament endorsed Sebastiao Dias Ximenes as the first Provedor (Ombudsman) for Human Rights and Justice of Timor-Leste, paving the way for that office to begin its work. Advances in strengthening the Timorese legal system included the promulgation on 17 February of the law on the Superior Council for Defence and Security.

In accordance with Security Council resolution 1543(2004) [UN04, p. 372], UN support for the serious crimes process was to cease on 20 May. The Secretary-General received, on 29 April, a letter from the Commission of Experts requesting that the liquidation of the Serious Crimes Unit be suspended and that measures be considered to safeguard the institutional knowledge of the serious crimes process until the findings of the Commission had been submitted to and considered by the Security Council. In response to that request, 10 staff of the Serious Crimes Unit, including an international judge, a prosecutor, a legal officer and administrative assistants, were to be retained during the UNMISET liquidation phase. During the reporting period, the Special Panels for serious crimes completed eight trials involving 11 defendants, leaving no pending trials. The Special Panels had tried a total of 87 defendants, 84 of whom were convicted of crimes against humanity and other charges, while three were acquitted of all charges. The Court of Appeal heard six serious crimes cases, while six others were still pending.

With a view to increasing the accountability and professionalism of the police, professional ethics offices were opened in the districts to assist in the investigation of complaints of misconduct. During the reporting period, such complaints, including violations of human rights,
decreased; 43 cases of misconduct were reported from February to April 2005, compared to 78 cases from November 2004 to January 2005.

The relationship between the Indonesian Armed Forces and the Border Patrol Unit continued to develop with assistance from the Military Liaison Group. On 21 April, however, the Border Patrol Unit exchanged gunfire with Indonesian military personnel, who were reportedly pursuing a group of smugglers at the Tactical Coordination Line. UNMISET facilitated several meetings between the two groups in order to exchange information and assisted both sides in conducting an impartial investigation. However, the Indonesian Armed Forces cancelled a third meeting, indicating that it would not participate in further talks with the Unit until the Timorese police were prepared to share the results of their investigation.

The Secretary-General welcomed the adoption of Security Council resolution 1599(2005) (see p. 440), in which the Council reaffirmed its continuing commitment to Timor-Leste through the establishment of a one-year follow-on mission in the country, the United Nations Office in Timor-Leste (UNOTIL). Noting that the Council did not authorize the deployment of the 144-strong backup security force, as he had recommended (see p. 439), the Secretary-General warned that the withdrawal of the last uniformed UN troops from Timor-Leste could have a negative impact on the overall security situation in the country, as it would eliminate a significant deterrent to criminal activities, especially in border areas. The withdrawal of the military engineering unit, which ensured the maintenance of the land route between Dili and the border, was also a matter for concern. It was expected that, without such intervention, the route would become impassable, especially during the rainy season. He indicated that further international assistance would be essential, beyond the support provided through UNOTIL, including assistance with security needs. Additionally, the advisory support available through UNOTIL to strengthen administrative and police structures would need to be supplemented with bilateral and multilateral assistance to ensure sustainable progress.

Security Council consideration (May). On 16 May (meeting 5809), the Security Council considered the Secretary-General’s end of mandate report on UNMISET (see above). The Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, summarized developments pertaining to the political and security situation and briefed the Council on his visit to Timor-Leste between 26 April and 2 May. He commended the Timorese and UNMISET on the progress they had achieved towards building a stable and democratic State, but recognized the need for additional support from the international community in order to consolidate those gains.

Report of Commission of Experts
On 24 June (S/2005/458), the Secretary-General transmitted to the Security Council President the report of the Commission of Experts reviewing the prosecution of human rights violations committed during the events of 1999 [YUN 1999, p. 707], as well as a summary of that report. The report contained a comprehensive analysis of the judicial processes in question, as well as a wide range of recommendations.

The Commission conducted a fact-finding mission to Timor-Leste from 5 to 10 April to meet with the President and national and local government authorities, the judiciary and UNMISET staff, victims’ groups and NGOs. At the invitation of Indonesia, it visited Jakarta from 18 to 20 May.

The Commission found that the serious crimes process in Timor-Leste had ensured a notable degree of accountability for those responsible for the crimes committed in 1999. Investigations and prosecutions had generally met international standards. The process had also significantly contributed to strengthening respect for the rule of law and encouraging community participation in the process of reconciliation and justice. The existence of an effective and credible judicial process, such as the Special Panels, had also discouraged retributive and vengeful attacks. However, there was frustration about the inability of the judicial process to bring to justice those outside the country’s jurisdiction, particularly high-level indictees. The Commission concluded that the serious crimes process had not yet achieved full accountability of those who bore the greatest responsibility for serious violations of human rights in 1999, due to several factors, including lack of sufficient resources. The lack of access to evidence and suspects in Indonesia also impeded progress, and there was no extradition agreement between Indonesia and Timor-Leste or any form of effective mutual legal assistance framework to enable the arrest and transfer of indictees. The judicial process before the Ad Hoc Human Rights Court for Timor-Leste was not effective in delivering justice, and many aspects of the ad hoc judicial process revealed scant respect for, or conformity to, relevant international standards.

The Commission recommended that the Council retain the Serious Crimes Unit, the Special Panels and the Defence Lawyers Unit until the Secretary-General and the Council could examine the Commission’s recommendations, or
alternatively, set up mechanisms for completing the investigation and prosecution of serious human rights violations. It made a number of recommendations relevant to Timor-Leste and Indonesia. If those recommendations were not initiated by the respective Governments, the Council should, under Chapter VII of the UN Charter, create an ad hoc international criminal tribunal for Timor-Leste, to be located in a third State, or use the International Criminal Court. Member States also had the obligation under their respective national laws, to pursue investigation and prosecution of those persons responsible for serious violations of human rights in East Timor in 1999.

On 14 July [S/2005/459], the Secretary-General transmitted to the Council President two 22 June letters from the President and Prime Minister of Timor-Leste containing their comments regarding the final report of the Commission of Experts. Although appreciative of the Secretary-General’s efforts in appointing the Commission of Experts, Timor-Leste was disappointed that the Commission had failed to provide legally sound and feasible recommendations for the advancement of the investigations of serious crimes and for the enhancement of the proposed Commission for Truth and Friendship. More importantly, the Commission of Experts failed to consider ways in which its analysis might assist both Governments in enhancing their agreed commitments and in elaborating a mechanism to advance the objectives of the Commission for Truth and Friendship.

On 28 September [S/2005/431], the Council President informed the Secretary-General that his 24 June letter (see above), transmitting the summary and full report of the Commission of Experts, had been brought to the Council’s attention. Before further consideration of the report, the Council requested that the Secretary-General, in close consultation with his Special Representative, submit a report on justice and reconciliation for Timor-Leste, containing a practically feasible approach, taking into account both the report of the Commission of Experts and the views expressed by Indonesia and Timor-Leste.

United Nations Office in Timor-Leste

By resolution 1599(2005) of 28 April (see p. 440), the Security Council established a one-year follow-on mission to UNMISET, known as the United Nations Office in Timor-Leste (UNOTIL). The mission, to be headed by the Secretary-General’s Special Representative, would comprise 40 police trainers to support further development of the police, 20 additional police advisers and 15 military advisers to support the development of the Border Patrol Unit, 45 civilian advisers to help develop critical State institutions, 10 human rights officers to provide training in the observance of democratic governance and human rights and a small office to support the Special Representative and coordinate the work of the mission with UN system partners.

On 27 May [S/2005/356], the Secretary-General informed the Council President of his intention to appoint Sukehiro Hasegawa (Japan) as his Special Representative for Timor-Leste and Head of UNOTIL, with effect from 21 May. On 1 June [S/2005/357], the Council took note of the Secretary-General’s intention.

Report of Secretary-General (August). In August, the Secretary-General submitted a report [S/2005/333] covering developments on the ground since his May report (see p. 442) and describing UNOTIL activities since its inception.

During the reporting period, in order to curb the violent activities of martial arts groups, a series of initiatives was undertaken, with the support of President Gusmão, which culminated in the signing of a joint declaration by 14 groups on 30 June. The signatories to the declaration committed themselves to preventing, reducing and eradicating acts of violence between martial arts groups. On 22 July, six members of a political opposition group were detained in Lautem district following violent clashes with the local community. The following week, the Timorese national police conducted coordinated search operations of that group’s premises across the eastern part of the country, reportedly seizing items, including military uniforms, machetes, knives, flags, a firearm and ammunition. Subsequently, the coordinator of the group complained to the Provedor for Human Rights and Justice.

Local elections were held in two phases in the districts of Cova Lima, Ermera and Viqueque, on 12 and 18 May, and in those of Ainaro, Aileu and Manufahi, on 27 June and 2 July. While the ruling party won a relative majority, opposition and independent candidates also fared well. Despite some technical difficulties, primarily involving voter verification, improvements were noted in voter education and in cooperation between the secretariat for the Technical Administration of Elections, the local authorities and the police.

Relations between Timor-Leste and Indonesia continued to improve. Following meetings in June and July, agreement was reached, among other things, on the completion of negotiations on the unresolved segments of the common land boundary by the end of the year; the establishment of a new border management mechanism.
between Timor-Leste and Indonesia’s border security agencies; the opening of a bus line from the Oecussi enclave to mainland Timor-Leste; and the issuance of border passes to border area residents. The 10 members of the bilateral Commission for Truth and Friendship were officially announced on 1 August. The Commission met for the first time in Denpasar, Bali (4-5 August), to discuss matters related to its internal structures, working procedures and its programme of work. On 11 August, the Presidents of the two countries signed a memorandum of understanding on the establishment of the Commission.

Further advances were made towards strengthening the Timorese institutional and legal framework. Two important organs provided for in the Constitution, namely the Superior Council for Defence and Security and the Council of State, were inaugurated on 12 and 17 May, respectively. The Provedor for Human Rights and Justice and his two Deputies were also sworn in by the National Parliament, which approved the statute of the Office of the Public Prosecutor on 25 July. On 29 July, it authorized the adoption of the penal code and of the penal and civil procedure codes by government decree. On 28 June, a decree law on restructuring the Government was promulgated, raising the total number of ministries from 10 to 15 and establishing, among other things, five new Secretaries of State posts for the coordination of regional development and investment programmes. On 27 July, Prime Minister Mari Alkatiri officially announced the composition of the new Government, comprising 41 members, seven of whom were women and two with strong ties to the opposition. The new Government was sworn in by President Gusmão on 28 July.

Despite significant progress towards the development of a viable justice sector, Timor-Leste continued to rely on international advisers to perform line functions at both the Court of Appeal and the district courts to help reduce the backlog of cases. UNOTIL advisers trained 15 judges, 15 prosecutors and 10 public defenders, most of whom would assume their duties in the national courts by May 2006, with a probable need for continued on-the-job mentoring.

With continued support from UNOTIL’s military training advisers, the Border Patrol Unit began direct dialogue with its Indonesian counterpart. UNOTIL’s military training advisers would continue to support both parties in finalizing the border management agreement and establishing a mechanism to facilitate the resolution of border incidents. A joint concept of operations was developed to ensure close cooperation between the police and the military training advisers tasked with further developing the Border Patrol Unit. Joint operations and reporting mechanisms had been established at UNOTIL headquarters, where police and military training advisers planned and coordinated their border activities while maintaining regular contact with the Timorese national police headquarters.

UNOTIL placed special emphasis on the coordination of donor assistance and encouraged the implementation of measures for the sustainable long-term development in Timor-Leste. Towards that end, the Special Representative established a consultative group to coordinate the assistance of stakeholders.

**Security Council consideration (August).** On 29 August [meeting 5251], the Security Council considered the Secretary-General’s August report (see above) and was briefed on the situation in Timor-Leste by his Special Representative, who reported that, as local elections were coming to a close, public attention was focused on the presidential and national parliamentary elections to be held in 18 months. President Gusmão and Prime Minister Alkatiri requested UN assistance in the drafting of electoral laws to establish a legal framework for the nationwide elections. In addition, Timorese authorities requested external assistance to set up database-management systems and administrative support.

New opportunities and challenges had emerged in the economic sphere, with revenues from Timor Sea oil and gas resources starting to flow, which compensated for declining budgetary support from development partners. The National Parliament unanimously passed, on 13 July, the Petroleum Fund Act and the law on petroleum taxation, and on 23 August, the law on petroleum activities.

Regarding the serious crimes process, the first pre-trial hearing of former militia members indicted in Timor Leste took place on 4 August and the District court scheduled trial for 3 September. UNOTIL produced a copy of the records compiled by the Serious Crimes Unit with the support of experts from the UN Department of Management, and was discussing with the Timorese Government the draft agreement on the preservation of serious crimes records. Although the Serious Crimes Unit had made an important contribution to achieving justice, it was able to investigate fewer than half of the estimated 1,450 murders committed in 1999.

While Timorese counterparts had increased their ownership of the functional responsibilities carried out by their offices, the effectiveness of UNOTIL’s civilian advisers in transferring skills and knowledge continued to be hindered by the lack of national capacity in such technical and spe-
Further developments. In a later report [S/2006/26], the Secretary-General covered developments in Timor-Leste through the end of the year.

He reported that the fifth round of local elections was held in the districts of Dili and Liquíca, on 20 and 30 September, marking the final round of village and sub-village elections in all 13 districts. Overall, the elections were conducted in a peaceful and orderly manner and the average voter turnout reached over 80 per cent, with several political parties fielding candidates. The ruling party won a large majority. Re-elections were held on 21 December for 18 village council positions in 10 districts, following an order from the Court of Appeals, citing technical irregularities during the earlier elections. Preparations for parliamentary and presidential elections in 2007 were already under way, with nine parties registered under the 2004 Law on Political Parties. In response to the request by the Timorese Government for assistance with the 2007 elections, an electoral assistance needs assessment mission was sent to Timor-Leste in November. Based on the mission’s recommendations, UNOTIL provided advisory assistance for the preparation of the elections. The mission also recommended that prior to the drafting of electoral laws, discussions should take place within Timor-Leste regarding fundamental issues, such as the role and functions of an independent electoral supervisory body, terms of office for the President and members of Parliament and the timing of the elections. It was also strongly recommended that international assistance be provided, including support to voter registration, electoral administration and provision of resources.

Further progress was achieved in delineating the land border between Timor-Leste and Indonesia. On 30 August, Timor-Leste and Indonesia commenced demarcation of the 96 per cent of the land border agreed to in the Provisional Agreement on the Borderline signed by the foreign ministers in Dili in April (see p. 442). In December, significant progress was made in negotiations between the two sides on the remaining 4 per cent of the border. A number of cross-border incidents occurred in September and October, including the burning of farmland and stone-throwing incidents, mainly as a result of local disputes between villagers living on either side of the border. In response, UNOTIL facilitated exchanges between the Indonesian army and the Timorese police, in which the two sides agreed on joint measures to prevent the recurrence of further incidents. Although the situation had stabilized and a number of community-level meetings aimed at promoting cross-border cultural and economic exchanges had taken place, concerted efforts were nevertheless needed by both sides to inform the population in the border districts about the agreed boundary.

The bilateral Commission for Truth and Friendship, which commenced work in August, focused primarily on the analysis of documents provided by the Ad Hoc Human Rights Tribunal in Jakarta. The Commission requested the Timor-Leste Government to review the records compiled by the former United Nations Serious Crimes Unit in Dili. On 31 October, after close to five years of operation, the Commission for Reception, Truth and Reconciliation transmitted to President Gusmão its final report on human rights abuses in the country between 1974 and 1999, which he submitted to the National Parliament on 28 November, and to Prime Minister Mari Alkatiri on 30 November.

In the area of police development, UNOTIL was planning to complete all training programmes for Timorese national police by 20 May 2006. During the reporting period, the Rapid Intervention Unit completed comprehensive training programmes, and had shown remarkable improvements, especially with regard to professionalism, discipline and observance of human rights. The Immigration Unit also made considerable progress towards self-sufficiency. In addition, three new specialized units, namely the Counter-Terrorism Unit, the Explosive Ordnance Disposal Unit and the Public Information Office, were established. UNOTIL provided basic training in counter-terrorism and explosive ordnance to those units, to be followed by advanced training in the coming months. UNOTIL police advisers and Timorese police leaders were jointly preparing a long-term plan for the Timorese police, known as “Plan 2020”, which would provide the Timorese police leadership with an opportunity to think strategically and to plan and organize their future activities. The police advisers also worked in close cooperation with Timorese police leaders in the formulation of operational and training manuals for various units.
Financing of UN operations

During 2005, the General Assembly considered the financing of three UN missions in Timor-Leste—UNMISET, UNOTIL and the United Nations Mission in East Timor (UNAMET). UNMISET was established by Council resolution 1410(2002) [YUN 2002, p. 321] to provide assistance to the administrative, law enforcement and public security structures critical to the viability and political stability of Timor-Leste, in addition to contributing to the maintenance of its external and internal security. UNOTIL was established by Council resolution E09(2005) as a follow-on mission to UNMISET, charged with supporting and monitoring progress in the development of critical state institutions, the police and BPU and observation to UNMISET, charged with supporting and monitoring progress in the development of critical state institutions, the police and BPU and observation of the Advisory Committee on Administrative and Budgetary Questions.

UNMISET and UNOTIL

On 22 June [meeting 101], the General Assembly considered the UNMISET performance report for the period from 1 July 2003 to 30 June 2004 [A/59/655], UNMISET’s budget for the period from 1 July 2003 to 30 June 2006 [A/59/637] and the related CACABQ report [A/59/736/Add.1]. The Assembly, on the recommendation of the Fifth Committee [A/59/531/Add.1], adopted resolution 59/13 B without vote [agenda item 129].

Financial performance report for the period from 1 July 2003 to 30 June 2004

Recalling further its resolution 54/246 A of 23 December 1999 on the financing of the United Nations Transitional Administration in East Timor and its subsequent resolutions on the financing of the United Nations Mission of Support in East Timor, the latest of which was resolution 59/13 A of 29 October 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 574(S-IV) of 27 June 1993, 310(XXVIII) of 11 December 1973 and 55/255 of 23 December 2000,

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

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to complete its administrative liquidation,

1. Takes note of the status of contributions to the United Nations Transitional Administration in East Timor and the United Nations Mission of Support in East Timor as at 15 April 2005, including the contributions outstanding in the amount of 66.4 million United States dollars, representing some 4 per cent of the total assessed contributions, notes with concern that only fifty-one Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. Expresses its appreciation to those Member States 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 Transitional Administration and the Mission in full;

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

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

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

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

7. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

Budget estimates for the period from 1 July 2005 to 30 June 2006

8. 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;

9. Decides to appropriate to the Special Account for the United Nations Mission of Support in East Timor the amount of 1,757,800 dollars, inclusive of 1,692,200 dollars for the administrative liquidation of the Mission.
Financing of the appropriation

10. **Decides also** to apportion among Member States the amount of 1,662,200 dollars for the Mission 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;

11. **Decides further that**, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of 19,400 dollars, representing the estimated staff assessment income approved for the Mission for the period from 1 July to 31 October 2005;

12. **Decides to apportion among Member States** the amount of 78,200 dollars for the support account and the amount of 17,400 dollars for the United Nations Logistics Base for the period from 1 July 2005 to 30 June 2006, 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;

13. **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 12 above, their respective share in the Tax Equalization Fund of 12,400 dollars for the period from 1 July 2005 to 30 June 2006, comprising the prorated share of 11,000 dollars of the estimated staff assessment income approved for the support account and the prorated share of 1,400 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

14. **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 10 above, their respective share of the unencumbered balance and other income in the amount of 18,065,900 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;

15. **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 amount of 18,065,900 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 14 above;

16. **Decides also that** the increase of 392,100 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 18,065,900 dollars referred to in paragraphs 14 and 15 above;

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

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

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

20. **Decides to include in the provisional agenda of** its sixtieth session the item entitled “Financing of the United Nations Mission of Support in East Timor”.

In October [A/60/425], the Secretary-General submitted to the Assembly a 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. The Secretary-General proposed resource requirements for UNOTIL for the period from 21 May to 31 December 2005, estimated at $22,027,700 ($23,890,200 gross). Requirements for the period beyond December 2005 would be presented in a consolidated report containing the budget proposals for all special political missions at the first part of the sixtieth session of the General Assembly. The ongoing operation of UNOTIL was being funded partly through the utilization of savings realized under the United Nations Advance Mission in the Sudan (UNAMIS) and partly through the use of commitments granted by ACABQ under the terms of General Assembly resolution 58/273 (YUN 2003, p. 1122). The total requirements being sought amounted to $15,726,000 net ($17,588,500 gross).

In November [A/60/7/Add.10], ACABQ recommended that UNOTIL’s estimated budget requirement for the period from 21 May to 31 December be reduced from $22,027,700 to $21,939,900.

On 23 December [meeting 69], the General Assembly, on the recommendation of the Fifth Committee [A/60/393], adopted **resolution 60/244** without vote [agenda item 123].

**Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council: United Nations Office in Timor-Leste**

The General Assembly,

**Having considered** the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council
and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Takes note of the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions;

2. Endorses the conclusions and recommendations of the Advisory Committee contained in its report, subject to the provisions of the present resolution;

3. Decides to approve the position of Chief of Staff at the D-1 level;

4. Requests the Secretary-General to ensure appropriate coordination of gender mainstreaming activities;

5. Also requests the Secretary-General to make every effort to achieve savings in operational costs, taking into account the recommendations of the Advisory Committee;

6. Approves the budget for the United Nations Office in Timor-Leste in the amount of 23,782,100 United States dollars gross (21,939,900 dollars net) for the period from 21 May to 31 December 2005;

7. Notes that requirements for the United Nations Office in Timor-Leste, after taking into account the utilization of savings of 6,301,700 dollars under the United Nations Advance Mission in the Sudan, amount to 17,480,400 dollars gross (15,638,200 dollars net);

8. Decides to appropriate, under the procedure provided for in paragraph 11 of annex I to General Assembly resolution 41/215 of 19 December 1986, an amount of 15,638,200 dollars under section 3, Political affairs, of the programme budget for the biennium 2004-2005, for the United Nations Office in Timor-Leste;

9. Also decides to appropriate an amount of 1,842,200 dollars under section 34, Staff assessment, of the programme budget for the biennium 2004-2005, to be offset by a corresponding amount under income section 1, Income from staff assessment.

**UNAMET**

On 12 September, the General Assembly deferred consideration of the item on the financing of UNAMET and included it in the draft agenda of its sixty-first (2005) session (decision 59/570).

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**Other matters**

**Cambodia**

In 2005, the Secretary-General continued to put in place the arrangements for the entry into force of the Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea. The Agreement, approved by the General Assembly in resolution 57/228 B [YUN 2003, p. 385], regulated cooperation between the United Nations and the Royal Government of Cambodia in bringing to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes committed during the period from 17 April 1975 to 6 January 1979. The Agreement provided, among other things, the legal basis and the principles and modalities for such cooperation. On 28 March, the Secretary-General convened a pledging conference in New York with a view to seeking the $43 million needed to fund the UN’s commitment under the Agreement and received sufficient contributions and pledges to meet the Organization’s obligations. On 28 April, the Government of Cambodia was notified that the legal requirements on the part of the United Nations for the entry into force of the Agreement had been complied with, and the Agreement accordingly entered into force the following day. On 14 October, the Secretary-General appointed Michelle Lee as international Deputy Director of the Office of Administration.

In a November report [A/60/565], the Secretary-General reviewed progress towards the establishment of Extraordinary Chambers for the Prosecution under Cambodian Law of Crimes Committed during the period of Democratic Kampuchea. The Assembly was requested to take note of the report and decide that the international judges, the international co-prosecutor and the international co-investigating judge be deemed to be UN officials for the purpose of their terms and conditions of service.

**India-Pakistan**

During the year, steady and meaningful progress was achieved by India and Pakistan in their bilateral dialogue, agreed to in 2004 [YUN 2004, p. 382]. The April 2005 launch of a bus service across the line of control between the two countries was an important gesture of peace, and the leaders of both countries assured the Secretary-General of their commitment to work towards resolving all outstanding issues, including that of Jammu and Kashmir.

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) continued in 2005 to monitor the situation in Jammu and Kashmir. On 2 December [S/2005/772], the Secretary-General informed the Security Council President of his intention to appoint Major General Dragutin Repinc (Croatia) as Chief Military Observer of UNMOGIP, replacing Major General Guido Dante Palmieri (Italy), who relinquished his post on 13 September. The Council took note of the Secretary-General’s intention on 8 December [S/2005/773].
Korea

The Secretary-General, in his report on the work of the Organization [A/60/1], said that, while concerns remained about the situation on the Korean peninsula, some progress was noted in 2005, as intensive diplomatic efforts to revitalize the Beijing process had resulted in the resumption of the six-party talks (China, the Democratic People’s Republic of Korea (DPRK), Japan, the Republic of Korea, the Russian Federation and the United States), aimed at achieving a nuclear-weapon free peninsula and a comprehensive settlement on related issues. The Secretary-General said that he would continue to mobilize international support for that multilateral approach towards a nuclear-weapon free peninsula, as well as look for practical ways in which the United Nations could strengthen its humanitarian and development work in the DPRK.

On 13 July [S/2005/474], the EU welcomed the announcement that the six-party talks were to be resumed. It urged the DPRK to dismantle its nuclear programmes and offered support in achieving that goal.

In separate letters of 23 September [CD/1729, CD/1760], the DPRK and the Republic of Korea transmitted to the Secretary-General of the Conference on Disarmament the joint statement adopted by the six parties (see above), in which they unanimously reaffirmed their goal of the verifiable denuclearization of the Korean peninsula in a peaceful manner.

The DPRK, in a 28 October letter [A/C.1/60/5], objected to urgings by the United States and the United Kingdom that it abandon its nuclear programme first, rather than as part of a process of simultaneous actions undertaken by itself, the United States and the Republic of Korea, as was agreed upon by the six parties. On 9 November, the fifth round of those talks commenced (Beijing, 9-11 November).

In other matters, by a 7 March letter [A/59/732-S/2005/150] to the Secretary-General, the DPRK registered its objection to Japan’s attempt to occupy a permanent seat on the Security Council.

Kyrgyzstan

The Secretary-General, in his report on the work of the Organization [A/60/1], said that political upheaval in Kyrgyzstan reflected the growing instability in Central Asia. Responding to that instability, he had established in Turkmenistan the United Nations Regional Centre for Preventive Diplomacy for Central Asia as a tool for strengthening cooperation on issues ranging from the fight against drug trafficking and terrorism to strengthening democratic institutions and respect for human rights.

On 4 April [S/2005/247], the EU said that, in collaboration with the Organization for Security and Cooperation in Europe (OSCE), it was closely following developments in Kyrgyzstan, and had taken note of the resignation of Kyrgyz Prime Minister Tanayev and his government. It appealed to the newly appointed leaders to restore public order as soon as possible, start a dialogue with all political forces involved and implement a policy of national reconciliation. The new Kyrgyz leaders were also called upon to respect democratic values and human rights, and take all necessary measures to guarantee security and stability in the country. The EU was willing to cooperate with the new leaders in that context, and would support OSCE efforts to achieve that goal. The decision of the Kyrgyz Parliament to organize presidential elections within three months and parliamentary elections within six months was noted by the EU.

Mongolia

GENERAL ASSEMBLY ACTION

On 14 November [meeting 32], the General Assembly adopted resolution 60/16 [draft: A/60/L.17 & Add.1] without vote [agenda item 42].

Eight hundred years of Mongolian statehood

The General Assembly,

Recalling its resolution 36/6 of 9 November 2001 on the Global Agenda for Dialogue among Civilizations,

Reaffirming that civilizational achievements constitute the collective heritage of mankind, providing a source of inspiration and progress for humanity at large,

Emphasizing the need to achieve an objective understanding of all civilizations and enhance constructive interaction and cooperative engagement among civilizations,

Recognizing the richness of nomadic civilization and its important contribution to promoting dialogue and interaction among all forms of civilization,

Recognizing also that nomadic civilization influenced, inter alia, societies across Asia and Europe and, in turn, absorbed influences from both East and West in a true interchange of human values,

Recognizing further the important role played by a strong and persistent nomadic culture in the development of extensive trade networks and the creation of large administrative, cultural, religious and commercial centres,

Mindful of the ever-increasing significance and relevance of a culture of living in harmony with nature, which is inherent in nomadic civilization, in today’s world,

1. Welcomes the efforts of Member States, including Mongolia, to preserve and develop nomadic culture and traditions in modern societies;
League for Democracy (NLD) General-Secretary, continued, and National peaceful political activities. The practice of addressing civilians and democracy advocates for the arrests, detention and harsh sentences meted out to them on 6 July had been tempered by the release of 249 of them on 16 November 2006. According to the Special Rapporteur, over 1,100 political prisoners reportedly remained in custody. The UN Special Rapporteur for the Commission on Human Rights had still not been allowed into the country. The Secretary-General had significantly reduced political contact between the Myanmar authorities and the United Nations, as well as relevant intergovernmental and non-governmental organizations, regional organizations and foundations, and academia, to take part actively in the events to be organized by Mongolia in celebration of this anniversary.

Speaking before the vote, the representative of Mongolia said that his nation’s traditions, values, and culture, as well as its mentality and self-identity, stemmed from its nomadic roots. The eight hundredth anniversary of statehood provided Mongolia with an opportunity to look back at the legacies of its forefathers and to closely study nomadic civilization. The draft resolution sought to reinforce the concept of dialogue among civilizations, bringing the contributions of nomadic civilization into the global agenda. It also reaffirmed the importance of preserving and developing the centuries-old traditions and culture of nomadic peoples in modern societies. In addition, it sought to encourage renewed interest in studying various aspects of nomadic civilization on the part of relevant international organizations, civil society and academia, thus contributing to mutual understanding among civilizations and cultures.

Myanmar

In 2005, the Secretary-General continued to provide his good offices in the pursuit of national reconciliation and democratization in Myanmar, but encountered difficulties as the ousting of then Prime Minister General Khin Nyunt in 2002 had significantly reduced political contact between the Myanmar authorities and the United Nations. The UN Special Envoy and the Special Rapporteur for the Commission on Human Rights had still not been allowed into the country. According to the Special Rapporteur, over 1,100 political prisoners reportedly remained in Myanmar, and the release of 249 of them on 6 July had been tempered by the continuation of the arrests, detention and harsh sentences meted out to civilians and democracy advocates for peaceful political activities. The practice of administrative detention continued, and National League for Democracy (NLD) General-Secretary, Daw Aung San Suu Kyi, remained under house arrest. While Myanmar had embarked upon the process laid out in the Government’s 2003 seven-point road map towards democratization, it had not been done so in a genuinely all-inclusive manner. In a meeting with the Chairman of the State Peace and Development Council, Senior General Than Shwe, held during the Asia-Africa Summit (Jakarta, 22-23 April), the Secretary-General emphasized that the transition process had to include all parties.

In his 10 October report on the situation of human rights in Myanmar [A/60/422] (see p. 892), the Secretary-General maintained that the seven-point road map towards democracy and the National Convention had the potential to generate positive change. However, the Convention was not adhering to the recommendations made by successive General Assembly resolutions. The Convention, responsible for elaborating the basic principles for the drafting of a firm and stable constitution, was reconvened from 17 February to 31 March, but without the involvement of a number of political parties, including NLD. The exclusion of important and representative political actors from the process, the restrictions placed on their involvement, the lack of tolerance towards critical voices and the intimidation and detention of pro-democracy activists rendered any notion of a democratic process devoid of meaning. The Secretary-General called upon the Myanmar authorities to resume dialogue with the representatives of all ethnic nationality groups and political leaders and to allow his Special Envoy to recommence visits to Myanmar.

On 24 October [A/C.3/60/2], Myanmar called into question various assertions made in the Secretary-General’s 10 October report (see above). The report was said to contain important factual errors and overreached the parameters mandated by Assembly resolution 59/203 [YUN 2004, p. 812].

The Secretary-General, responding on 7 November [A/60/422/Add.1], stated that information in his report came from the public domain, or was provided to him by his Special Envoy, who could not verify the accuracy of the information, as he had been denied access to Myanmar since March 2004. The Secretary-General reiterated his commitment to providing his good offices aimed at facilitating national reconciliation and democratization in Myanmar.

On 2 November [A/C.3/60/6], Myanmar transmitted to the Secretary-General a memorandum on the situation of human rights in the country, which addressed, among other things, recent political developments.

Nepal

In Nepal, the UN system strengthened its presence and capacity to respond to the deteriorating situation caused by the ongoing conflict and political crisis. The Secretary-General continued to urge a prompt return to constitutional rule, and reiterated the UN’s readiness to help peacefully resolve the conflict. As part of those efforts, the Special Adviser of the Secretary-General, Lakhdhar Brahimi, visited Nepal from 10 to 15 July and met with King Gyanendra, senior Government officials, leaders of political parties and a cross-section of Nepalese society.

On 28 February [S/2005/137], the EU, recalling the 2 February statement of its Presidency, expressing deep concern about the dissolution of the multiparty Government in Nepal and the assumption by the King of executive powers, stated that the action taken by the King was a serious setback to the prospects for a negotiated and democratic solution to the conflict in Nepal. It urged the King to take early measures to restore democratic freedoms and civil liberties and to lift the emergency powers he had introduced following the takeover of power on 1 February. In particular, the EU called for the restoration of representative democracy; the fast release of all political and other prisoners detained under emergency ordinances; unrestricted access without the need for prior notice to all detainees by the National Human Rights Commission and its representatives; political parties and civil society organizations to be granted the freedom to organize and operate; the lifting of reporting restrictions on the media; assurances of continued independence for the Commission for the Investigation of Abuse of Authority; and the restoration of the right to assembly and other fundamental rights. The EU was also mindful of the impact the new political situation might have on security conditions in the country and on donors’ ability to provide development assistance to Nepal.

On 8 September [S/2005/629], the EU welcomed the statement by the Communist Party of Nepal (Maoist) (CPN(M)) of a unilateral ceasefire. It urged the CPN(M) to cease using violence for political ends and called upon all political forces to work towards a democratically based peace process leading to a durable negotiated solution, involving a national consensus and the reintegration of the CPN(M) into a multiparty democracy.

In a 28 October statement [S/2005/754], the EU condemned the seizure, carried out at gunpoint by the security forces, of radio equipment from the Kantipur FM station in Kathmandu. Amendments contained in the new media ordinance also caused concern, as they infringed upon the right to freedom of expression. The EU called upon the Government of Nepal to uphold the fundamental rights guaranteed by the Constitution of the Kingdom of Nepal and to allow the Nepalese people their right to freedom of expression.

On 5 December [S/2005/804], the EU recognized the efforts of the political parties in Nepal in securing an agreement with the Maoists which could form the basis for a peace process in the country. It continued to support the transition of the Maoists into mainstream politics, but urged them to renounce violence, including by putting their weapons verifiably beyond use. As a first step, the EU called on the Maoists to extend their current ceasefire and to work to create the right conditions for peace talks to resume. It also urged the King and the Government to begin serious engagement on a negotiated settlement to the conflict. In a further statement dated 5 December [S/2005/805], the EU condemned the 27 November seizure, carried out at gunpoint by the security forces, of radio equipment from the Sagamartha FM station in Kathmandu. It once again called upon the Government of Nepal to uphold the fundamental rights of the people of Nepal, including the right to freedom of expression.

Papua New Guinea

In 2005, Bougainville (Papua New Guinea) made substantial progress towards peace and stability through the successful completion of elections and the establishment of the first Autonomous Bougainville Government. Up to its closure on 30 June, the United Nations Observer Mission in Bougainville (UNOMB) continued to assist in the implementation of the 2001 Bougainville Peace Agreement, concluded between the Papua New Guinea Government and the Bougainville parties. The Agreement, which established the framework for a peace process, including a permanent ceasefire, as provided for in the 1998 Lincoln Agreement [YUN 1998, p. 320] and its annex, the Arawa Agreement [ibid.], covered issues of autonomy, the holding of a referendum and agreements on weapons disposal.

Report of Secretary-General (March). On 28 March, in response to a December 2004 Security Council request [YUN 2004, p. 386], the Secretary-General submitted a report [S/2005/204] reviewing the progress achieved by the parties to the 2001 Bougainville Peace Agreement in the preparations for elections, reconciliation with the leaders of the “no-go zone”, maintenance of law and order, weapons disposal, and post-conflict peacebuilding. The report also elaborated on UNOMB’s closure plan.
The Bougainville Provincial Administration, with the support of the National Election Commission, had made plans for the upcoming elections which would bring about the establishment of the first Autonomous Bougainville Government. The Administration finalized a report on the boundaries of provincial constituencies, and was updating and consolidating the common roll of the province, including the “no-go zone” (mountainous region controlled by rebel leader Francis Ona and his Me’ekamui Defence Force (MDF)). The Transitional Consultative Committee, composed of members of the Bougainville Interim Provincial Government and the Bougainville People’s Congress, decided that polling in the elections for the presidency and the Bougainville legislature would be held from 20 May to 2 June. The legislature, to be known as the House of Representatives, would consist of 33 members representing their respective constituencies, along with one woman and one former combatant to be elected for each of Bougainville’s three regions (North, Central and South). The President would be elected directly on a Bougainville-wide ballot, while the Speaker would be elected from candidates outside the House by its members.

With the facilitation of UNOMB, community leaders and volunteers from among the former combatants were carrying out an election public-awareness campaign with rank-and-file MDF members in the “no-go zone”. As a result of that campaign, a significant number of MDF members had expressed support for and willingness to take part in the elections. Both the national Government and the Bougainville leaders expressed their desire to have international observers present during the elections in order to enhance the confidence of the Bougainville people regarding the peace process and their ability to vote freely.

On 8 March, UNOMB facilitated a meeting that brought together, for the first time, several Bougainville political leaders, former military leaders and combatants of the Bougainville Revolutionary Army and the Bougainville Resistance Force to discuss the peace process with 100 key MDF players. The meeting decided that similar exchanges should be held in the near future to sort out differences and to work together for the future of Bougainville. The MDF representatives also pledged not to interrupt the electoral process. At the second meeting (Arawa, 17 March), the participants discussed the upcoming elections, the lifting of the last roadblock at Morgan Junction and reconciliation between Francis Ona, the leader in the “no-go zone”, and Joseph Kabui, President of the Bougainville People’s Congress. Mr. Kabui had expressed his readiness to meet Mr. Ona to initiate the reconciliation process, and sources close to Mr. Ona had informed UNOMB that he was ready to reciprocate. That would signify a breakthrough in relations between their factions, and would bode well for a potential opening of the “no-go zone” and the provision of government services to the population living there. UNOMB would continue to provide logistical and other support to the parties in the matter.

Regarding security, the general situation on the ground was steadily improving. UNOMB had destroyed most of the 2,014 weapons originally placed in containers in accordance with the weapons disposal plan, and was working through community leaders to persuade former combatants to destroy the remaining weapons, which were kept in secure storage. The deployment of Bougainville regular police had produced good results, and the people of Bougainville repeatedly commented on security improvements and increased freedom of movement as tangible outcomes of the successful implementation of the Peace Agreement. In the province, over 116 Bougainville Police were on active duty, and 50 more would be graduating from the Police Academy in Bomana, Port Moresby, by the end of the month. They would be deployed before the beginning of the election. Additionally, 383 community police officers were functioning in their respective villages in most areas of the island.

The National Court resumed hearings in Buka for the first time in four years to try a backlog of cases. Although some progress had been achieved, the establishment of correctional institutions was lagging behind, thereby impinging on human rights issues. To remedy the situation, the Provincial Administration was working in close cooperation with the representatives of the Law and Justice Programme, funded by regional donors, to expedite the construction and renovation of the required institutions.

Because of the enormous rehabilitation and recovery challenges the Autonomous Bougainville Government would face upon its establishment, capacity-building needed to be one of its priorities, requiring the continued assistance of UN agencies and programmes and donors. UNDP would implement its Bougainville Planning and Community Support Programme project and the United Nations Children’s Fund planned expanding its volunteer teacher training programme. Donor assistance would be channelled through the Governance and Implementation Fund. The agreed steps and priorities of that implementation were provided for in the Joint Working Plan of the Papua New Guinea Government and the Bougainville Administration.
UNDP and major donors were encouraging the Bougainville Administration to take the lead in coordinating the distribution of international assistance in accordance with the priorities specified in the Joint Working Plan.

Given the progress achieved by the parties in weapons disposal and in the preparations for elections, and barring any unforeseen complications, UNOMB would complete its mandate and formally close its activities on 30 June, at which point it was expected that an Autonomous Bougainville Government would already have been set up. In the interim, the Mission would continue to monitor the situation to verify the handing over of weapons and that the level of security was conducive to the holding of elections. Upon the closure of UNOMB, UN development and humanitarian agencies and the donor community would take the lead in helping the Autonomous Bougainville Government implement its rehabilitation and capacity-building programmes.

**Elections**

The United Nations had been requested by the national Government of Papua New Guinea, in concurrence with the Bougainville leaders, to coordinate the work of the international electoral observers invited by the Papua New Guinea Government. The resultant UN election coordination unit gave extensive briefings to the observers prior to their deployment in Bougainville and, in close cooperation with UNOMB, facilitated their movement by helicopter to 29 of the 33 constituencies throughout the three regions of Bougainville. The United Nations also supported the airlift of polling boxes, electoral officers and observers. International observers from Australia, Fiji, Japan, New Zealand, Samoa, Trinidad and Tobago and Vanuatu, as well as representatives of the Commonwealth and Pacific Islands Forum secretariats, concluded that the elections had been conducted in accordance with the electoral laws and in a calm and peaceful environment.

As declared by the international observers, the outcome of the elections accurately reflected the will of the people of Bougainville. Of the 112,000 voters enlisted on the common roll, 69,343 cast their ballots, constituting 62 per cent of the whole electorate. The presidential campaign was won by Joseph C. Kabui, former President of the Bougainville People’s Congress, receiving close to 15,000 more votes than the runner-up, former Governor John Momis. Two key government positions—a senior minister and the Deputy Speaker—were held by women, and a number of former combatants were elected as constituency members. The new Government was inaugurated on 15 June.

**SECURITY COUNCIL ACTION**

On 15 June [meeting 5201], following consultations among Security Council members, the President made statement S/PRST/2005/23 on behalf of the Council:

The Security Council welcomes the first general elections for the president and members of the House of Representatives of the Autonomous Region of Bougainville held from 20 May through 9 June 2005, and considers that they were competently and transparently conducted, as noted by the international observer team. The Council congratulates the Autonomous Bougainville Government, the people of Bougainville on this achievement, and takes note that these elections, which reflect the expressed will of the people of Bougainville, mark a significant and historical landmark in the Bougainville peace process and make it possible to enter into a new stage for further implementation of the Bougainville Peace Agreement.

The Council further welcomes the inauguration of the Autonomous Bougainville Government in its full capacity, and affirms its continuing support for the people of Bougainville.

The Council urges those who did not participate in the electoral process to respect the outcome of the elections and support without delay the Autonomous Bougainville Government in its peacebuilding efforts.

The Council pays tribute to the efforts of the Government of Papua New Guinea and the Bougainville leaders for fully implementing the Bougainville Peace Agreement. The Council commends the support by the international community, in particular the significant contributions made by the countries in the region, partners in the donor community, as well as the United Nations. The Council also expresses its appreciation for the commendable role played by the Commonwealth and the Pacific Islands Forum in dispatching electoral observers for the smooth conduct of the elections.

The Council notes with satisfaction that the performance of the United Nations Observer Mission in Bougainville, as well as that of its preceding United Nations Political Office in Bougainville, demonstrated that a small United Nations special political mission with a clearly defined mandate can make a critical contribution to a regional conflict resolution effort in an efficient and effective manner.

The Council encourages the ongoing support and commitment by the international community to the efforts made by the Government of Papua New Guinea and the people of Bougainville in pursuit of their economic and social development as well as sustainable peace in the region.

**Security Council consideration (July).** On 6 July [meeting 5222], the Security Council was briefed by the Assistant Secretary-General for Political Affairs, Danilo Türk, on the main developments that had taken place in Bougainville.
since 7 April. Mr. Türk noted that UNOMB’s mandate had been fully implemented. On 19 May, UNOMB informed the parties to the Bougainville Peace Agreement that the weapons disposal plan incorporated into the Agreement had been implemented. Of a total of 2,016 weapons kept in containers, 1,896 were destroyed. UNOMB collected and destroyed an additional 155 weapons, bringing the total to 2,051 weapons. It therefore determined that the parties had substantially complied with the implementation of the plan, paving the way for the holding of elections (see p. 454). The parties agreed that it would be up to the Autonomous Bougainville Government to address the issue of the remaining weapons that had not been placed in containers, or that had been stolen out of them during the implementation of phases II and III of the plan.

On 14 June, the parties to the Peace Agreement convened the final meeting of the Peace Process Consultative Committee. Having resolved that the objectives of the Committee under the Lincoln and Bougainville Peace Agreements had been achieved, the parties agreed to dissolve it. Relations between the national and Bougainville Governments would be managed through the permanent Joint Supervisory Body, which would supervise and check on the implementation of the autonomy arrangements. That and other mechanisms were in place to resolve any disputes that might emerge between the parties. The national and autonomous Governments intended to work together to address the challenges facing them through consultation and cooperation at the appropriate levels.

Following the completion of the weapons disposal plan and the implementation of the autonomous arrangements, there remained the third main pillar of the Peace Agreement—the holding of a referendum on Bougainville’s political status 10 to 15 years in the future, which would include the choice of independence for Bougainville. Responsibility for the conduct of the referendum would be shared between the Bougainville and national Governments. In accordance with the Agreement and the Papua New Guinea Constitution, the final decision on the referendum would be left to the Papua New Guinea Parliament and to subsequent consultations with the Autonomous Bougainville Government.

In his inauguration speech, President Kabui indicated that his Government would start negotiations with the national Government and the Bougainville Copper Limited mining company on the transfer of the company’s assets and prospecting authority to the Autonomous Bougainville Government. Given the sensitivity of the involvement of Bougainville Copper Limited in Bougainville, the Government might in the future hold wide consultations with the people on the potential resumption of exploration and mining operations.

The success of the elections and the unity of the newly formed Government provided a strong base from which to redesign the laws of the administration and region, improve service delivery and allow for economic development. The Bougainville administration was putting together a coherent development plan for the whole region, with continued support from the United Nations and other international actors would also be crucial in meeting the expectations of the people of Bougainville. UNDP was taking the lead in helping the administration to develop a donor coordination system, and other UN agencies were engaged in a range of activities.

The Papua New Guinea representative noted the challenges that still remained, namely the development of an economy capable of sustaining autonomy, provision of opportunities for individuals and communities to help themselves, promotion of good governance, and encouragement of ongoing reconciliation and mutual respect in the community. While there were still concerns about the continued existence of weapons in Bougainville, and the presence of Francis Ona and his supporters in the “no-go zone”, it was recognized that peacebuilding had to be viewed as an ongoing process.

**Tajikistan**

In 2005, with the assistance of the United Nations Tajikistan Office of Peacebuilding (UNTOP), the Government of Tajikistan took further steps to consolidate the peace. In view of the important role being played by UNTOP and Tajikistan’s continuing need for support in its post-conflict peacebuilding efforts, the Secretary-General announced, on 10 May [S/2005/323], his intention to continue the UNTOP activities for a further year, until 1 June 2006. On 18 May [S/2005/324] the Security Council took note of his intention.

UNTOP, established in 2000 [UN 2000, p. 315] following the withdrawal of the United Nations Mission of Observers in Tajikistan (UNMOT), continued in 2005 to facilitate national dialogue and reconciliation, assist in strengthening democratic institutions and conflict prevention mechanisms, promote the rule of law and build human rights capacity. At the recommendation of a UN Electoral Needs Assessment Mission, UNTOP developed and supervised the implementation of a technical assistance project for the parliamentary elections of February 2005, training more than 15,000 poll workers and 300 district election officials.
commissioners across all districts of the country, as well as 250 local media representatives. In other training activities, Tajik instructors were trained in conflict prevention and resolution mechanisms. To assist in the reform and transition of national law enforcement agencies to peacetime policing, UNTOP trained staff of the Ministry of the Interior in human rights standards, forensic techniques and modern practices in law enforcement.

**Tibet**

On 6 July [S/2005/462], the EU welcomed the fourth round of talks between the envoys of the Dalai Lama and members of the Chinese Government (Berne, Switzerland, 30 June–1 July). The EU strongly supported the continuation of dialogue and hoped to see serious negotiations leading to a peaceful, sustainable and mutually agreeable solution for Tibet.

**United Arab Emirates-Iran**

**Greater Tunb, Lesser Tunb and Abu Musa**

In a series of communications between 7 March and 20 September [S/2005/144, S/2005/274, S/2005/597], the League of Arab States (LAS) informed the Security Council President of the adoption of two decisions and one resolution denouncing the Iranian occupation of Greater Tunb, Lesser Tunb and Abu Musa, and affirming the full sovereignty of the United Arab Emirates over the three islands. LAS also called upon the Secretary-General and Council President to maintain the issue among the matters of which the Security Council was seized until Iran ended its occupation of the islands.

In a series of letters transmitted between 16 March and 30 December [S/2005/189, S/2005/232, S/2005/300, S/2005/301, S/2005/468, S/2005/697, S/2005/661], Iran stated that the three islands were integral and eternal parts of the Iranian territory and rejected any claims to the contrary. It continued to emphasize the importance of negotiations between itself and the United Arab Emirates to improve bilateral relations and remove any misunderstanding between the two countries.

In other communications issued between March and September [A/59/761-S/2005/215, A/59/843, S/2005/386, A/59/388-S/2005/622], Bahrain transmitted to the Secretary-General statements made by the Ministerial Council of the Gulf Cooperation Council throughout the year, reiterating its support of the sovereignty of the United Arab Emirates over the three islands.

The United Arab Emirates, in a 3 May letter to the Secretary-General [S/2005/283], requested that the Security Council retain on its agenda for 2005 the item entitled “Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Jamahiriya and the People’s Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (S/10409)”, concerning Iran’s occupation of Greater Tunb, Lesser Tunb, and Abu Musa, until a settlement of the dispute was achieved by direct peaceful means and negotiation or through recourse to the International Court of Justice.

**Uzbekistan**

On 25 May [A/59/877], Uzbekistan informed the Secretary-General of events that took place in the Andijan region on 12 and 13 May, in which 30 armed criminals attacked the patrol and sentry service and a military unit. Preliminary reports indicated that the attack was carried out by members of the Islamic group Akromiya, which was directly linked to the religious extremist organization, Hizb ut-Tahrir, whose activities were prohibited in many countries. Early investigation showed a possible link between the fighters and extremist organizations active in certain countries of the region, as well as terrorist groups that were hiding in Afghanistan.

Uzbekistan called upon UN Member States and Governing bodies to be restrained and responsible in evaluating the events in Andijan, and to wait for the results of the official investigation. On 23 May, the Uzbek Parliament set up an independent parliamentary commission to conduct a comprehensive investigation of the circumstances connected with the events in Andijan and an in-depth analysis, determination of the reasons and conditions which led to the tragic events, conduct a comprehensive analysis and legal assessment of the actions by the Government of Uzbekistan and the security structures and inform the Parliament and the public about the course of the investigation.

On 7 November [A/ C.3/60/8], Uzbekistan informed the Secretary-General of measures being taken to liberalize the court-judicial system.

On 8 November [S/2005/750], the EU expressed alarm at reports of the detention and harassment of journalists and others, including human rights defenders, who had questioned the Uzbek authorities’ version of events in Andijan, and called on the Uzbek Government to discontinue such practices. On 18 November [S/2005/791], the EU expressed concern about the trial of 15 individuals in relation to the 12 and 13 May events in
Andijan. The EU said that it had serious doubts about the credibility of the case presented by the prosecution, and believed that the defence procedures were inadequate to ensure a fair trial. The EU continued to place primary importance on a credible and transparent independent international inquiry into the events of 12 and 13 May, and welcomed an opportunity to discuss its concerns with the Uzbek Government.

In a 9 December response [A/60/587-S/2005/778], Uzbekistan called the EU’s comments unfair and biased. The Supreme Court of Uzbekistan stated that the judicial proceedings relating to the 15 individuals accused of committing terrorist acts in Andijan in May were conducted in accordance with Uzbek legislation, which itself complied with the standards and requirements of international law. Also on 14 December [A/60/590-S/2005/787], Uzbekistan stated that the EU November statement bore no relation to the facts.

Regional meetings

On 11 March [A/59/741-S/2005/72], Kazakhstan transmitted to the Secretary-General a joint communiqué of the meeting of the Council of Ministers for Foreign Affairs of the States members of the Shanghai Cooperation Organization (SCO) (Astana, Kazakhstan, 25 February). At the meeting, representatives from China, Kazakhstan, the Kyrgyz Republic, the Russian Federation, Tajikistan and Uzbekistan discussed the broadening of cooperation and international questions of mutual concern.

On 13 July [A/60/129], Kazakhstan submitted to the Secretary-General a declaration by SCO Heads of State (Astana, Kazakhstan, 5 June), noting that the organization was expanding multilateral cooperation among its member States and was actively cooperating with other international organizations and countries.

Following the Ministerial Regional Meeting on the Millennium Development Goals (MDGs) in Asia and the Pacific (Jakarta, Indonesia, 3-5 August), Indonesia transmitted to the Secretary-General and the General Assembly President the text of the Jakarta Declaration on MDGs in Asia and the Pacific: the Way Forward 2015 [A/60/313], in which countries in the region strengthened their commitment and reaffirmed their solidarity to achieving the MDGs by 2015.