

areas, with the aim of working out comprehensive prevention strategies.

At the 4360th meeting, on 30 August 2001, the President (Colombia) drew the attention of the Council to a draft resolution;¹⁷ it was put to the vote and adopted unanimously as resolution 1366 (2001), by which the Council, *inter alia*:

Called upon all Member States to ensure timely and faithful implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted on 20 July 2001, and to take all necessary measures at national, regional and global levels to prevent and combat the illicit flow of small arms and light weapons in areas of conflict;

¹⁷ S/2001/828.

Decided to consider inclusion as appropriate, of a disarmament, demobilization and reintegration component in the mandates of United Nations peacekeeping and peacebuilding operations, with particular attention to the rehabilitation of child soldiers;

Endorsed the call of the Secretary-General for support to the follow-up processes launched by the Third and Fourth High-level United Nations regional organizations meetings in the field of conflict prevention and peacebuilding, and to provide increased resources for the development of regional capacities in those fields;

Called for the enhancement of the capacity for conflict prevention of regional organizations, in particular in Africa, by extending international assistance to, *inter alia*, the Organization of African Unity and its successor organization, through its Mechanism for Conflict Prevention, Management and Resolution, as well as to the Economic Community of West African States and its Mechanism for Prevention, Management and Resolution of Conflicts, Peacekeeping and Security.

44. Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones

Initial proceedings

Decision of 9 February 2000 (4100th meeting): statement by the President

At its 4100th meeting, on 9 February 2000, the Security Council included in its agenda the item entitled "Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones". The Council heard briefings by the Deputy Secretary-General, the Executive Director of the World Food Programme, and the Permanent Observer of the International Committee of the Red Cross (ICRC) to the United Nations. All Council members and the representatives of Australia, Belarus, Brazil, Egypt, Japan, New Zealand, Norway, Portugal, the Republic of Korea, Singapore, Slovenia, South Africa and Uruguay made statements during the meeting.

The Deputy Secretary-General outlined a number of concrete steps to better safeguard the security of United Nations personnel, namely, to strengthen the capacity of the Office of the United Nations Security Coordinator; to ensure that missions were adequately staffed and equipped; and to promote security training. She also emphasized the need for better coordination

between United Nations actors and other humanitarian organizations in the same location. To achieve those objectives, she highlighted the need for proper and reliable funding and called for responses to the inter-agency consolidated appeals launched for 2000, as well as for contributions to the Trust Fund for Security of personnel of the United Nations. Calling on Member States to do more, she suggested that, first, those who had not done so should sign and ratify the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994; second, they should consider extending the scope of the Convention to cover categories of personnel who fell outside its protective regime; third, they should take steps to speed up ratification of the Statute of the International Criminal Court; and fourth, they should assist in investigating and bringing to justice perpetrators of acts of violence against United Nations and associated personnel.¹

The Executive Director of the World Food Programme drew attention to the growing numbers of

¹ S/PV.4100, pp. 2-5.

civilian staff of United Nations agencies who had been the victims of violence since 1992. The situation was exacerbated, she noted, by the increasing use of hunger as a weapon of war, resulting in attacks on humanitarian workers delivering food aid. She called for security training for all United Nations staff required to work in insecure environments, enhancement of the United Nations Security Coordinator's role and the establishment of a clearing house for security information. Stressing the importance of maintaining the humanitarian principles of impartiality in all crises, she urged, on behalf of all United Nations agencies, that the Council consider the safety of humanitarian aid workers when taking decisions.²

The Permanent Observer of the International Committee of the Red Cross emphasized that the protection of humanitarian personnel was linked to a number of legal and operational tools. In addition to the vast body of international law relevant to such protection and the implementation and respect for this law, she highlighted that the modalities of humanitarian action could have a decisive effect on the security of humanitarian personnel. In particular, humanitarian action must be conducted neutrally, impartially and independently, with a view to fostering relations of trust with parties to the conflict as a key factor for the security of humanitarian personnel, an approach that had led ICRC to be extremely prudent in taking measures of armed protection for its personnel. She reiterated that ICRC remained firmly convinced that humanitarian action must be clearly distinguished from the use of force.³

Citing statistics on fallen victims and attacks against United Nations and associated personnel, almost all speakers condemned those acts of violence. They echoed the four suggestions made by the Deputy Secretary-General to Member States and, in particular with regard to her third and fourth suggestions, they affirmed that an end must be put to the culture of impunity and underlined the need to strengthen international legal mechanisms. They also expressed keen interest in receiving the follow-up report of the Secretary-General envisaged for May containing analysis and proposals to address the scope of legal protection under the Convention.

² *Ibid.*, pp. 5-7.

³ S/PV.4100 (Resumption 1), pp. 2-3.

Some speakers drew attention to important contributions to the body of international legal protection of the United Nations and relief personnel. Two primary developments highlighted in that respect were the entry into force of the Convention on the Safety of United Nations and Associated Personnel, and the inclusion of attacks on United Nations and associated personnel as a category of war crimes under the Rome Statute of the International Criminal Court.⁴

The representative of France stressed that the Council was increasingly attentive to the elements of mission mandates and rules of engagement that made it possible effectively to protect the security and freedom of movement of United Nations and associated personnel.⁵

While many speakers noted that the responsibility for the safety and security of United Nations and associated personnel lay with the host Government, the representative of China, echoed by the representative of Namibia, stressed that those personnel should abide by international law and the principles of the Charter of the United Nations, as well as the laws of the host country.⁶ In a similar vein, the representative of Egypt emphasized that such personnel should also respect local traditions and culture when carrying out their duties.⁷

The President (Argentina) then made a statement⁸ on behalf of the Council, by which the Council, *inter alia*:

Concerned at continued attacks against United Nations and associated personnel, and humanitarian personnel, which are in violation of international law, including international humanitarian law;

Expressed the view that improving the security of United Nations and associated personnel, and humanitarian personnel, may require, *inter alia*, the development and strengthening of all aspects of the current safety and security regime in place, as well as the

⁴ S/PV.4100 p. 9 (Canada); pp. 12-13 (Russian Federation); p. 14 (Jamaica); p. 16 (Mali); p. 17 (Malaysia); p. 19 (Namibia); p. 20 (Tunisia); p. 21 (Ukraine); p. 23 (Argentina); p. 24 (Belarus); p. 26 (Japan); p. 29 (Republic of Korea); p. 30 (Egypt); and p. 31 (Portugal on behalf of the European Union); S/PV.4100 (Resumption 1), p. 7 (Australia); p. 8 (Slovenia); p. 9 (New Zealand); and p. 10 (Norway).

⁵ S/PV.4100, p. 10.

⁶ *Ibid.*, pp. 7-8 (China) and pp. 18-19 (Namibia).

⁷ *Ibid.*, p. 30.

⁸ S/PRST/2000/4.

adoption of effective action to address the impunity of those who commit crimes against such personnel;

Underlined the importance of including in each status-of-forces agreement and status-of-missions agreement specific and practical measures based on the provisions of the Convention on the Safety of United Nations and Associated Personnel.

Decision of 26 August 2003 (4814th meeting): resolution 1502 (2003)

At the 4814th meeting, on 26 August 2003, the President (Syrian Arab Republic) drew the attention of the Council to a draft resolution.⁹ The Secretary-General and the representatives of the United States and Mexico made statements during the meeting.¹⁰

While expressing strong support for the draft resolution, the Secretary-General recalled the vicious attack against United Nations Headquarters in Baghdad one week earlier that had brought the issue in question to the forefront of United Nations priorities. He urged Member States in whose territories attacks against United Nations personnel had been committed to take practical and effective steps to investigate and prosecute those responsible, and urged Member States that had not yet done so to accede to the Convention on the Safety of United Nations and Associated Personnel. He stated that the adoption of the resolution would send an unambiguous message to all those who mistakenly believed that, in today's turbulent world, they could advance their cause by targeting the servants of humanity.¹¹

The draft resolution was then put to the vote, and

⁹ S/2003/581.

¹⁰ S/PV.4814, pp. 2-4.

¹¹ *Ibid.*, p. 2.

was unanimously adopted as resolution 1502 (2003), by which the Council, *inter alia*:

Expressed its strong condemnation of all forms of violence, including, *inter alia*, murder, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention, to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property.

Following the vote, the representative of the United States made a statement highlighting the importance of humanitarian personnel and United Nations and associated personnel and the need to protect them. He noted that the resolution focused on the prevention of attacks against such personnel and on the accountability of those who committed such acts. The resolution, he further remarked, did not create any new international obligations, but rather reaffirmed the existing obligations of the parties to a conflict to comply fully with the relevant rules.¹²

The representative of Mexico stated that the resolution was intended to send a clear and unequivocal message that the Council and the United Nations as a whole were committed to carrying out concrete actions leading to the creation of a better framework of protection for humanitarian workers. He expressed regret that the text did not mention the International Criminal Court and the Rome Statute, noting, however, that given the purpose of the resolution and the vital importance of its unanimous adoption, the sponsors felt justified in reaching the difficult decisions made during the negotiation process.¹³

¹² *Ibid.*, p. 3.

¹³ *Ibid.*, pp. 3-4.

45. General issues relating to sanctions

Deliberations of 17 April 2000 to 25 February 2003 (4128th, 4394th and 4713th meetings)

At its 4128th meeting, on 17 April 2000,¹ the Security Council included in its agenda the item

¹ For more information on the discussion of this meeting, see chap. XI, part III, sect. B, with regard to the use of measures not involving the use of armed forces in accordance with Article 41 of the Charter; and chap. XI, part VIII, sect. B, with regard to the special economic problems of the nature described in Article 50 of the Charter.

entitled "General issues relating to sanctions". At the meeting, statements were made by all members of the Council,² the representatives of Australia, Bulgaria, Cuba, Germany, Iraq, Italy, the Libyan Arab Jamahiriya, New Zealand, Pakistan, Portugal (on behalf of the European Union³), Sweden, the former

² Canada was represented by its Minister for Foreign Affairs.

³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.