

cooperation between them and the United Nations, particularly the Council, had to be strengthened. The main challenges that the United Nations and regional organizations must face together had been identified as terrorism¹² and conflict prevention and management, in particular in Africa.¹³

Many speakers touched on the primary responsibility of the Council for the maintenance of international peace and security. Some considered it indisputable that regional security operations remained mandated by the Council.¹⁴ The representative of Pakistan was of the view that regional organizations could be helpful and viable only so long as they acted on the basis of the principles of the Charter and in response to the legality established by Council resolutions.¹⁵ In a similar vein, the representative of Chile opined that the work of regional organizations should be done through a dynamic and energetic relationship with the Council in the framework of Chapter VIII of the Charter of the United Nations.¹⁶ At

the same time, several speakers pointed out the importance of complementarity between the United Nations and regional organizations.¹⁷ In that context, the representative of France stressed that each organization should intervene first and foremost in the area where it could provide real added value.¹⁸ The representative of China stated that before taking any decision on African issues, the Security Council should strive to coordinate and cooperate with the respective regional organizations so that its decisions better reflected the positions of those organizations and the countries involved, given they had the first say in the settlement.¹⁹

Some representatives outlined concrete proposals on how to strengthen the relationship between regional organizations and the United Nations system, including information exchange through a structured dialogue on a regular and substantive basis²⁰ and capacity development for local and regional dispute settlement.²¹

In closing, the President (Mexico) indicated his intention to circulate the conclusions of the meeting.²²

¹² Ibid., p. 9 (Chile); p. 11 (United States); p. 18 (United Kingdom); p. 22 (Russian Federation); p. 23 (Bulgaria); and p. 27 (Cameroon).

¹³ Ibid., p. 5 (Germany); p. 9 (Chile); pp. 10-11 (United States); p. 27 (Cameroon); p. 28 (China); p. 31 (Spain); and p. 35 (France).

¹⁴ Ibid., p. 5 (Germany); p. 22 (Russian Federation); and p. 23 (Bulgaria).

¹⁵ Ibid., p. 17.

¹⁶ Ibid., p. 9.

¹⁷ Ibid., p. 5 (Germany); p. 22 (Russian Federation); p. 28 (China); and p. 35 (France).

¹⁸ Ibid., p. 35.

¹⁹ Ibid., p. 28.

²⁰ Ibid., p. 5 (Germany); p. 18 (United Kingdom); and p. 35 (France).

²¹ Ibid., p. 18 (United Kingdom).

²² Ibid., p. 37; see S/2003/506, annex.

53. The role of the Security Council in the pacific settlement of disputes

Initial proceedings

Decision of 13 May 2003 (4753rd meeting): statement by the President

At its 4753rd meeting,¹ on 13 May 2003, the Security Council included the item entitled “The role

of the Security Council in the pacific settlement of disputes” in its agenda. At the meeting, statements were made by the Secretary-General, Sir Brian Urquhart (former Under-Secretary-General for Political Affairs), Mr. Jamsheed Marker (former Personal Representative of the Secretary-General for East Timor), Mr. Nabil Elraby (judge of the International Court of Justice) and by all Council members and the representatives of Armenia, Azerbaijan, Colombia, Ethiopia, Greece (on behalf of the European Union²), Honduras, India and Indonesia.

¹ For more information on the discussion at this meeting, see chap. X, part III, sect. A, with regard to the decisions of the Security Council concerning the pacific settlement of disputes; and part IV, with regard to the constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter, sections relating to the relevance of the provisions of Chapter VI in relation to the prevention of conflicts and the relevance of the provisions of Chapter VI in comparison to the provisions of Chapter VII.

² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania,

In his opening remarks, the Secretary-General noted that Chapter VI of the Charter of the United Nations stood at the heart of the Organization's system of collective security, and stressed that the Council could play a key role in conflict prevention, as the Council itself recognized in resolution 1366 (2001). He added that the Council could help to identify and address root causes early, when opportunities for constructive dialogue and other peaceful means were greatest, and ensure an integrated approach that brought together all factors and all actors, including civil society. Furthermore, he added, the Council could support the other United Nations organs in their efforts to resolve disputes or address volatile situations before they erupted into full-fledged threats to international peace and security.³

The former Under-Secretary-General for Political Affairs, noted, *inter alia*, that pacific settlement could be a long and untidy process, with different problems calling for different approaches, and stressed that it was seldom newsworthy, especially when successful. When, as had happened not long before, disagreements of the Council members were blamed on the institution of the Council itself, the Council's standing in pacific settlement and in other matters was inevitably diminished. At the same time, he underlined that an essential prerequisite for moving forward in an infinitely complex world was the growing effectiveness of the pacific settlement of disputes.⁴

The former Personal Representative of the Secretary-General for East Timor noted that while Chapter VII constituted the iron fist of the Council, its latent efficacy could be considerably enhanced through a timely and judicious application of the velvet glove of Chapter VI. Among several suggestions on ways to promote the pacific settlement of disputes, he encouraged the Council to utilize its mandatory enforcement authority under Chapter VII to persuade parties to engage in the processes for pacific settlement envisaged under Chapter VI.⁵

Mr. Elaraby highlighted that it was important for the Council and the International Court of Justice to act in tandem, emphasizing, *inter alia*, that the Council

Slovakia, Slovenia and Turkey aligned themselves with the statement.

³ S/PV.4753, pp. 2-3.

⁴ *Ibid.*, pp. 3-5.

⁵ *Ibid.*, pp. 5-7.

should consider strict application of the provisions of Articles 27 (3) and 36 (3) of the Charter. He underlined the importance of increasing the acceptance by States of the compulsory jurisdiction of the Court, recalling that that recommendation was contained in the report of the Secretary-General entitled "An Agenda for Peace".⁶

In their reactions to the briefings, the majority of speakers recognized the primary role of the Council in the pacific settlement of disputes and voiced the need for the Council to increasingly explore and revert to the provisions of Chapter VI. They acknowledged that, unlike Chapter VII, Chapter VI provided more flexibility in the use of instruments to resolve disputes, such as investigative and recommendatory powers. Although emphasizing that the responsibility to prevent and resolve conflicts and disputes rested first and foremost with the parties, several speakers stressed the importance of the Council playing a more active role in conflict prevention and preventive diplomacy efforts, and making the shift from a culture of reaction to a culture of prevention. Many speakers, *inter alia*, recognized the mandated role of other United Nations organs in the pacific settlement of disputes, notably the General Assembly, the Secretariat and the International Court of Justice; expressed support for the efforts of the Secretary-General and his envoys to conduct "good offices" and mediation; underlined the importance of the Council's coordination with regional organizations in the pacific settlement of disputes; cited the role of peacekeeping operations and observer missions in preventing the outbreak of further conflict and stabilizing a military situation; and highlighted the importance of addressing the root causes of conflicts.

The President then made a statement on behalf of the Council,⁷ by which the Council, *inter alia*:

Reaffirmed its commitment to maintain international peace and security through effective collective measures for the prevention and removal of threats to the peace or other breaches of the peace and to bring about, by peaceful means and in conformity with the principles of justice and international law, the adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

Recognized that the United Nations and its organs could play an important role in preventing disputes arising between parties, in preventing existing disputes escalating into conflicts and in containing and resolving the conflicts when they occur;

⁶ *Ibid.*, pp. 7-9. For the report, see S/24111

⁷ S/PRST/2003/5.

Reiterated its commitment to make a wider and more effective use of the procedures and means enshrined in the provisions of the Charter regarding the peaceful settlement of disputes, as one of the essential components of its work to promote and maintain international peace and security.

54. Security Council mission

Overview

During the period under review the Security Council completed 13 missions. Destinations included several African countries as well as Yugoslavia, East Timor, Indonesia and Afghanistan¹. Prior to 2003, missions were discussed at Council meetings under the items pertaining to the specific country or situation.² From 2003 onward, all missions were discussed under the item entitled "Security Council mission". The table provides an overview of the missions completed during the review period. For missions discussed in 2003 under the item "Security Council mission", summaries of the corresponding reports and meetings are presented by region.

Security Council missions 2000-2003

<i>Mission</i>	<i>Duration</i>	<i>Composition</i>	<i>Reports and terms of reference</i>	<i>Meeting No.</i>	<i>Item</i>
Implementation of Security Council resolution 1244 (1999)	27-29 April 2000	Bangladesh (head of mission), Argentina, Canada, China, Jamaica, Malaysia, Russian Federation and Ukraine	S/2000/363	4138	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Special Mission visit to Eritrea and Ethiopia	9-10 May 2000	United States (head of mission), France, Mali, Namibia, Netherlands, Tunisia and United Kingdom	S/2000/413	4142	The situation between Eritrea and Ethiopia
Democratic Republic of the Congo	4-8 May 2000	United States (head of mission), France, Mali, Namibia, Netherlands, Tunisia and United Kingdom	S/2000/416	4143	The situation concerning the Democratic Republic of the Congo
Sierra Leone	7-14 October 2000	United Kingdom (head of mission), Bangladesh, China, France, Jamaica, Mali, Netherlands, Russian Federation, Ukraine and United States	S/2000/992	4216	The situation in Sierra Leone
East Timor and Indonesia	9-17 November 2000	Namibia (head of mission), Argentina, Malaysia, Tunisia, Ukraine, United Kingdom and United States	S/2000/1105	4244	The situation in East Timor
Great Lakes region	15-26 May 2001	France (head of mission), China, Colombia, Ireland, Jamaica, Mali, Mauritius, Singapore,	S/2001/521 and Add.1	4323	The situation in the Great Lakes region

¹ Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Nigeria, Rwanda, Sierra Leone, South Africa, Uganda, United Republic of Tanzania and Zimbabwe.

² For Security Council missions from 2000 to 2002, see the section of chap. VIII that relates to the specific country or situation.