

situation concerning Western Sahara.²⁸ In his report, the Secretary-General observed that the Frente Polisario had officially accepted the peace plan as presented to it, while Morocco, on the other side, had not relinquished its position, but had requested more time to reflect and consult before giving its final response. He also noted that progress had also been made towards the implementation of confidence-building measures, such as the resumption of telephone and mail services and the exchange of family visits

²⁸ S/2003/1016, submitted pursuant to resolution 1495 (2003).

between the Tindouf refugee camps and Western Sahara.

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution;²⁹ it was put to the vote and adopted unanimously as resolution 1513 (2003), by which the Council, *inter alia*, decided to extend the mandate of MINURSO until 31 January 2004 and to remain seized of the matter.

²⁹ S/2003/1034.

2. The situation in Liberia

Decision of 7 March 2001 (4287th meeting): resolution 1343 (2001)

At the 4287th meeting,¹ on 7 March 2001, the President (Ukraine) drew the attention of the Security Council to a draft resolution,² which “flowed from previous discussions of the Council, including the meeting with an Economic Community of West African States (ECOWAS) ministerial delegation on 12 February 2001” and to several other documents.³

At the meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1343

¹ During this period, in addition to the meetings covered in this section, the Council held one meeting in private with the potential troop and civilian police-contributing countries to the proposed United Nations peacekeeping operation in Liberia, pursuant to resolution 1353 (2001), annex II, sections A and B (4825th meeting, held on 15 September 2003).

² S/2001/188.

³ Letter dated 23 February 2001 from the Government of Sierra Leone, transmitting a statement concerning the question of sanctions against Liberia (S/2001/166); letter dated 27 February 2001 from the Government of Sierra Leone, concerning the expulsion from Liberia of four telecommunications operators (two each from Sierra Leone and Guinea) by airport authorities (S/2001/176); letter dated 23 February 2001 from the Government of Liberia, transmitting a statement by the President of Liberia on alleged remarks attributed to the Army Chief of Staff of Guinea threatening to take the Guinean conflict deep into Liberia (S/2001/167); and letter dated 26 February 2001 from the Government of Guinea, concerning the development of the draft resolution on sanctions against Liberia (S/2001/173).

(2001), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided to terminate the prohibitions imposed by paragraph 8 of resolution 788 (1992) and to dissolve the ECOWAS Committee of Five on Liberia established under resolution 985 (1995);

Demanded that the Government of Liberia immediately cease its support for the Revolutionary United Front (RUF) in Sierra Leone and for other armed rebel groups in the region;

Demanded that all States in the region take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any action that might contribute to further destabilization of the situation on the borders between Guinea, Liberia and Sierra Leone;

Decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council;

Requested the Secretary-General to establish, within one month from the date of adoption of the resolution, in consultation with the Committee, a Panel of Experts for a period of six months consisting of no more than five members, drawing, as much as possible and as appropriate, on the expertise of the members of the Panel of Experts established pursuant to resolution 1306 (2000).

Decision of 27 February 2002 (4481st meeting): resolution 1395 (2002)

At its 4405th meeting, on 5 November 2001, the Council included in its agenda a letter dated 26 October 2001 from the Chairman of the Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the

Security Council, transmitting the report of the Panel of Experts.⁴ In its report, the Panel of Experts stated that, after six months of its mandate, there were “significant signs of improvement” in the three Mano River Union countries despite the proliferation of the use of non-State actors in those conflicts. They also affirmed that the public commitments of the Government of Liberia to comply with the embargo notwithstanding, “a steady flow of new weapons continue[d] to enter into the country”. They recommended, inter alia, the lifting of the grounding order imposed by resolution 1343 (2001) and the reopening of the aircraft register in coordination with the International Civil Aviation Organization; the extension of the arms embargo; a regular and accurate publication of official annual rough diamond import/export statistics; and the updating of the travel ban list.

At the meeting, the President (Jamaica) drew the attention of the Council to the report of the Secretary-General pursuant to paragraph 13 (b) of resolution 1343 (2001)⁵ and to other documents.⁶ The Council then heard briefings by the Chairman of the Committee established pursuant to resolution 1343 (2001), the Chairman of the Panel of Experts on Liberia and the Director of the Office for the Coordination of Humanitarian Affairs of the Secretariat, following which all Council members made statements, as well as the representatives of Belgium,⁷ Guinea, Liberia and Sierra Leone.⁸

⁴ S/2001/1015.

⁵ On the efforts being made by the authorities of Liberia to reform their civil aviation administration with the assistance of the International Civil Aviation Organization (S/2001/965).

⁶ Letter dated 31 October 2001 from the representative of Liberia to the Secretary-General, transmitting a statement by the President of Liberia concerning the regime of sanctions imposed under resolution 1343 (2001), renewing his call for lifting of the sanctions (S/2001/1035); and letter dated 2 November 2001 from the representative of Singapore, demanding that the Panel of Experts present copies of all relevant documentation about payments for weapons deliveries from the account of Borneo Jaya Pte. Ltd. to the company San Air, referred to in its report (S/2001/1043).

⁷ On behalf of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

⁸ The Minister for Foreign Affairs of Liberia represented his country at this meeting.

The Chairman of the Committee remarked that the report of the Panel of Experts on Liberia and the report of the Secretary-General on the humanitarian impact of possible sanctions on Liberia⁹ had been considered at two meetings of the Committee, on 22 and 25 October 2001.¹⁰

The Chairman of the Panel of Experts remarked that some countries had volunteered information and that several international organizations¹¹ had supplied useful cooperation and assistance. He declared that the Panel had cooperated with the authorities to obtain details on certain activities taking place within their jurisdiction. He highlighted the Panel’s work of tracing and reconstructing “the entire sequence of events, starting from the origin of weapons to their end destination, using documentary evidence and the direct eyewitness accounts of the persons involved”. He also declared that the Panel had been able to identify the most important networks supplying Liberia and RUF, and to give an analysis of the key players in those networks. He affirmed that the Panel had remained cognizant of the humanitarian situation before and after the imposition of the sanctions on Liberia. He added that the work of the Panel had led to visible changes in the behaviour of the trafficking networks.¹²

The Director of the Office for the Coordination of Humanitarian Affairs informed Council members about the report of the Secretary-General that provided a preliminary assessment of the potential impact on the people of Liberia of possible follow-up sanctions by the Council,¹³ and expressed the belief that the rather fragile humanitarian situation in Liberia could worsen

⁹ S/2001/939. The Secretary-General observed that “any restrictions imposed” on the economy of Liberia would probably have negative impacts on employment, social services and government revenues and that these factors and their implications would particularly affect “the most vulnerable of Liberia’s population”. Therefore, he recommended that, if the Council decided to establish additional sanctions, it might wish to consider establishing a mechanism to regularly review their impact on the humanitarian and economic situation of Liberia.

¹⁰ S/PV.4405, pp. 2-3.

¹¹ Inter alia, the International Criminal Police Organization, the International Civil Aviation Organization, and the International Maritime Organization.

¹² S/PV.4405, pp. 3-5 and 31.

¹³ S/2001/939, submitted pursuant to resolution 1343 (2001).

if further sanctions were not accompanied by an increase in the response of donors. He recommended that the Council establish mechanisms to regularly monitor the humanitarian and economic situation in Liberia if the Council imposed additional sanctions.¹⁴

The majority of the speakers expressed support for the continuation of the sanctions on Liberia imposed by the Council to achieve peace in Sierra Leone and the region; for the renewal of the mandate of the Panel of Experts, and for its recommendations, including extending the arms embargo to cover non-State actors in the three countries, Sierra Leone, Liberia and Guinea; the creation of a certification system on raw diamonds; and an updated travel ban list. Several speakers maintained that the measures needed to be targeted, calibrated and the negative humanitarian consequences minimized. A number of representatives suggested that the Panel's recommendation on extending the sanctions regime needed to be studied by the Council. A number of speakers expressed concern about the propaganda of the Government of Liberia against the United Nations actions. Several representatives demanded full compliance by all States with the sanctions. Most of the speakers expressed concern about the civilian population of Liberia, and encouraged donors and non-governmental organizations to resume their humanitarian aid. Most of the representatives welcomed the efforts of the ECOWAS to improve relations between the Government of Liberia and its neighbours and to achieve a greater effectiveness of embargoes on weapons.

Several representatives recommended establishing a permanent mechanism within the United Nations system to conduct comprehensive monitoring of all sanctions, or otherwise enhancing the internal monitoring capability of the United Nations.¹⁵

The representative of Mali added that ECOWAS had sent two missions from its Mediation and Security Council to Liberia in order to verify that measures had been taken by the authorities of Liberia to meet the demands of the international community. He welcomed the major efforts recently made by the Government of Liberia to improve its relations with Guinea and Sierra Leone. He added that it was essential to continue to

develop a true partnership between ECOWAS and the Security Council, thereby promoting a regional approach to conflict settlement, for they believed that "sanctions alone [could not] restore peace in West Africa".¹⁶

The representative of Mauritius expressed concern about the continued relationship between the Government of Liberia and RUF in Sierra Leone. He, therefore, insisted that the Government of Liberia needed to "play a more determining role in ridding the entire region of West Africa of rebellious activities" as well as to uphold the principles of accountability and good governance. He added that it was most unfortunate that at a time when Liberia was showing poor prospects for sustained economic development, "the leadership of the country [was] exploiting avenues for self-enrichment".¹⁷

The representative of Bangladesh noted the lack of attention in the report of the need to have regulatory frameworks addressing the arms producing and exporting countries, which would look into the supply side of the problem as well.¹⁸

The representative of France suggested investigating whether a direct relationship existed between the yield of exports of tropical wood and the arming of the RUF rebels in Sierra Leone, before the Council considered any measures to restrict timber exports, which supported so many people in Liberia. He also suggested the creation of a small investigatory team in the field that would work with the Panel of Experts and help the authorities of Liberia implement the measures set forth in resolution 1343 (2001).¹⁹

The representative of China expressed concern that "the existing Council sanctions measures still ha[d] loopholes" that were allowing serious violations.²⁰

The representative of Tunisia questioned "the validity and viability" of what were called targeted sanctions or smart sanctions, whose application "in the case of Liberia ha[d] shown their flaws". He supported maintaining dialogue with Liberia as an active party in finding a solution to the crisis afflicting the Mano River Union countries. He recommended that the

¹⁴ S/PV.4405, pp. 5-6 and 32.

¹⁵ Ibid., p. 7 (Ukraine); p. 11 (Mali); p. 19 (Singapore); and p. 25 (Jamaica).

¹⁶ Ibid., pp. 10-11.

¹⁷ Ibid., pp. 11-13.

¹⁸ Ibid., pp. 13-14.

¹⁹ Ibid., pp. 14-15.

²⁰ Ibid., pp. 15-16.

Council needed to refrain from action on the Panel of Experts' various recommendations until it had proceeded with an evaluation of the implementation of existing sanctions.²¹

The representative of Singapore declared that the lack of follow-up on the information contained in various sanctions panels' reports, such as the Sierra Leone Panel report, damaged the credibility of the United Nations sanctions themselves. He pointed out that a permanent monitoring mechanism in the Secretariat could also assist States in their implementation of the sanctions and that there needed to be better coordination within the United Nations system. He regretted that the report of the Working Group on sanctions had yet to be issued. On the question of the impact of sanctions, he maintained that the humanitarian situation and the sanctions needed to be considered as separate issues, declaring that there were indications that "the Government of Liberia's own corrupt practices have strongly discouraged international aid donors".²²

The representative of the Russian Federation stressed that the illegal activities by individual persons and corporations that were circumventing resolution 1343 (2001) needed to be very carefully investigated by the national law enforcement authorities of the relevant countries.²³

The representative of the United States maintained that the hardships faced by the people of Liberia had not started with the imposition of sanctions, but had resulted from years of war and the policies of the Government that had resulted in a decline in international assistance. His delegation believed that "continued targeted sanctions against the Taylor Government promote[d] progress" on alleviating the suffering of the people in Liberia and Sierra Leone "by encouraging an end to destructive policies in the region". He also questioned the reason why more non-governmental organizations were not involved in attempting to alleviate the suffering of the people of Liberia and why the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations were not doing more to help.²⁴

The representative of Liberia expressed his pleasure to see the report's publication, so that his Government would not be "repeatedly confronted with selective leaks and speculation via the Internet and in the print media". He expressed the belief that the Panel had merely sought to vindicate itself with respect to the inherent flaws of the original report, which had contributed to the imposition of sanctions on Liberia. He affirmed that the Government of Liberia was in compliance with resolution 1343 (2001) and regretted that all the actions and steps taken by the Government in compliance were "unfortunately relegated to meaningless comments made in passing". He pointed out that the Mano River Union countries had held and continued high-level discussions generally aimed at enhancing peace, security and stability within their territories. He maintained that the international community and the Security Council had ignored Liberia's security concerns relating to the attacks in Lofa County, even though it could have a long-term impact on the subregion. He called for the removal of sanctions in order to let Liberia defend its territory and sovereignty, as was the inherent right of every Member of that Organization under its constitution and Article 51 of the Charter of the United Nations. He affirmed that resolution 1343 (2001) was having a punitive effect and that there was a clear correlation between the imposition of sanctions and the decline of living standards. His Government was also concerned about the "apparent inequity" with which the sanctions were being administered, remarking that there had been no condemnation of the attacks committed by non-State actors along the Mano River frontier and their sponsors. He stressed that when "double standards are used in the dispositions of international disputes, efforts to achieve genuine peace are undermined".²⁵

The representative of Belgium maintained that the international community could not allow its efforts and the considerable resources that it had invested in peace in Sierra Leone to "continue to be sabotaged by manoeuvrings at the regional level". He supported the creation of a mechanism responsible for regularly reviewing the humanitarian and economic impact of sanctions imposed on Liberia if the Security Council adopted additional sanctions.²⁶

²¹ *Ibid.*, pp. 16-18.

²² *Ibid.*, pp. 18-20.

²³ *Ibid.*, pp. 20-21.

²⁴ *Ibid.*, pp. 23-24.

²⁵ *Ibid.*, pp. 25-28.

²⁶ *Ibid.*, pp. 28-29.

The representative of Guinea expressed concern over the many “flagrant” violations of resolution 1343 (2001). He believed that the current calm along the Guinean borders and the significant progress made in Sierra Leone had come because of the sanctions imposed on Liberia, as well as the fact that the Guinean armed forces had regained control of the situation on the ground and had been able to contain and push back rebel troop attacks. He pointed out that those positive events supporting the international community’s efforts to restore peace and security had been possible due to the “clear-sightedness” of the Mano River Women Peace Network.²⁷

The representative of Sierra Leone affirmed that the measures imposed by the Council on Liberia were “preferable to launching a multinational military action against Liberia”.²⁸

At the 4481st meeting, on 27 February 2002, the President (Mexico) drew the attention of the Council to a draft resolution;²⁹ it was put to the vote and adopted unanimously and without debate as resolution 1395 (2002), by which the Council, *inter alia*:

Decided, in the meanwhile, to re-establish the Panel of Experts appointed pursuant to paragraph 19 of resolution 1343 (2001) for a further period of five weeks commencing no later than 11 March 2002;

Requested the Panel of Experts to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a brief independent audit of the Government of Liberia’s compliance with paragraph 2 and of any violations of paragraphs 5, 6 and 7 of resolution 1343 (2001) and to report to the Council through the Committee established by paragraph 14 of resolution 1343 (2001) no later than 8 April 2002 with the Panel’s observations and recommendations in relation to the tasks set out herein;

Requested the Secretary-General, upon the adoption of the resolution and acting in consultation with the Committee established by paragraph 14 of resolution 1343 (2001), to appoint no more than five experts, drawing as much as possible and as appropriate on the expertise of the members of the Panel of Experts appointed pursuant to paragraph 19 of resolution 1343 (2001), and further requested the Secretary-General to make the necessary financial arrangements to support the work of the Panel.

²⁷ *Ibid.*, pp. 29-30.

²⁸ *Ibid.*, pp. 30-31.

²⁹ S/2002/206.

**Decision of 6 May 2002 (4526th meeting):
resolution 1408 (2002)**

At its 4526th meeting, on 6 May 2002, the Council included in its agenda a letter dated 19 April 2002 from the Chairman of the Committee established pursuant to resolution 1343 (2001) addressed to the President of the Security Council,³⁰ transmitting the report of the Panel of Experts appointed pursuant to resolution 1395 (2002), paragraph 4. In its report, the Panel of Experts observed that since its last report the war in Liberia’s Lofa County had spread towards Monrovia and a state of emergency had been declared in February 2002. The Panel pointed out that they had found credible evidence that Liberia had kept violating the arms embargo and that the numerous special units deployed by the Government were carrying new weaponry and ammunition. It recommended, *inter alia*, the continuity of the arms embargo; the expansion of the ECOWAS moratorium relating to small arms; and the creation of a credible certification scheme for rough diamonds.

The Council also included in its agenda the third report of the Secretary-General pursuant to resolution 1343 (2001).³¹ In his report, the Secretary-General observed that a summit meeting of the Heads of State of the Mano River Union countries had taken place in Rabat on 27 February 2002 under the auspices of the King of Morocco as well as several other meetings at the technical and ministerial levels in order to find a lasting solution to the crisis in the region. He added that a pre-reconciliation conference had been held in Abuja in March 2002, under the auspices of ECOWAS, in preparation for a full-fledged national reconciliation conference in Monrovia in July 2002.

At the meeting, the President (Singapore) drew the attention of the Council to a draft resolution;³² it was put to the vote and adopted unanimously and without debate as resolution 1408 (2002), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the Government of Liberia has not complied fully with the demands in paragraphs 2 (a-d) of resolution 1343 (2001);

³⁰ S/2002/470.

³¹ S/2002/494.

³² S/2002/514.

Decided that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) shall remain in force for a further period of 12 months;

Decided that the measures referred to in paragraph 5 shall be terminated immediately in the Council;

Determined that the Government of Liberia has complied with the demands referred to in paragraph 1;

Requested the Secretary-General to submit a report to the Council by 21 October 2002 and thereafter at six-monthly intervals from that date on whether Liberia has complied with the demands referred to in paragraph 1;

Requested the Secretary-General to establish, within three months from the date of adoption of this resolution, in consultation with the Committee, for a period of three months, a Panel of Experts consisting of no more than five members to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the Government of Liberia's compliance with the demands referred to in paragraph 1;

Decided to conduct reviews of the measures referred to in paragraph 5 before 7 November 2002, and every six months thereafter.

**Decision of 13 December 2002 (4665th meeting):
statement by the President**

At the 4665th meeting, on 13 December 2002, the President (Colombia) made a statement on behalf of the Council,³³ by which the Council, *inter alia*:

Expressed its strong support for the ECOWAS moratorium on small arms and light weapons in the region;

Encouraged the African Union and ECOWAS member States actively to promote the full implementation of existing security arrangements as well as further initiatives designed to support such arrangements among the countries of the Mano River Union;

Urged the Government of Liberia and the combatants, particularly the rebel group Liberians United for Reconciliation and Democracy (LURD), to provide unrestricted access to United Nations humanitarian agencies and non-governmental organizations to areas where refugees need to be assisted and human rights protected;

Urged all humanitarian organizations and donor countries to continue to provide humanitarian relief to the refugees and internally displaced persons;

Requested the Secretary-General to monitor the situation in Liberia and to keep the Council informed of developments to fulfil the objectives described herein.

³³ S/PRST/2002/36.

**Decision of 28 January 2003 (4693rd meeting):
resolution 1458 (2003)**

At the 4693rd meeting, on 28 January 2003, the President (France) drew the attention of the Council to a draft resolution;³⁴ it was put to the vote and adopted unanimously and without debate as resolution 1458 (2003), by which the Council, *inter alia*:

Decided to re-establish the Panel of Experts appointed pursuant to paragraph 16 of resolution 1408 (2002) for a further period of three months commencing no later than 10 February 2003;

Requested the Panel of Experts to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the Government of Liberia's compliance with the demands referred to in paragraph 2 of resolution 1343 (2001), and of any violations of the measures referred to in paragraph 5 of resolution 1408 (2002);

Requested the Panel of Experts, as far as possible, to bring any relevant information collected in the course of its investigations conducted in accordance with its mandate to the attention of the States concerned for prompt and thorough investigation and corrective action, and to allow them the right of reply.

**Decision of 6 May 2003 (4751st meeting):
resolution 1478 (2003)**

At its 4751st meeting, on 6 May 2003, the Council included in its agenda a letter dated 24 April 2003 from the Chairman of the Committee established pursuant to resolution 1343 (2001) addressed to the President of the Security Council,³⁵ transmitting the report of the Panel of Experts appointed pursuant to paragraph 4 of resolution 1458 (2003). In its report, the Panel of Experts observed that the conflict of Liberia was "once more no longer isolated" and its refugees and armed fighters had spilled over into its neighbouring countries, and that Liberia was violating the arms embargo, as was Guinea by supporting LURD. It recommended, *inter alia*, that the moratorium on the importation, exportation and manufacturing of small arms in West Africa needed to be broadened and become an information exchange mechanism for all types of weapons procured by ECOWAS members as well as the establishment of an international mechanism for harmonizing and verifying all end-user certificates for weapons.

³⁴ S/2003/98.

³⁵ S/2003/498.

At the meeting, the President (Pakistan) drew the attention of the Council to a draft resolution;³⁶ it was put to the vote and adopted unanimously and without debate as resolution 1478 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided that the Government of Liberia had not complied fully with the demands in resolution 1343 (2001);

Decided that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) would remain in force for a further period of 12 months and be terminated immediately if the Council determined that the Government of Liberia had complied with the demands referred to in paragraph 1;

Decided that all States should take the necessary measures to prevent, for a period of ten months, the import into their territories of all round logs and timber products originating in Liberia;

Decided to consider by 7 September 2003 how best to minimize any humanitarian or socio-economic impact of the measures imposed;

Requested the Secretary-General to establish, within one month from the date of adoption of the resolution, in consultation with the Committee, for a period of five months, a Panel of Experts consisting of up to six members to conduct a follow-up assessment mission to Liberia and neighbouring States and to investigate whether any revenues of the Government of Liberia are used in violation of this resolution;

Decided that all States should take the necessary measures to prevent entry into or transit through their territories of any individuals, including from LURD or other armed rebel groups;

Decided to conduct reviews of the measures referred to in paragraphs 10 and 17 before 7 November 2003, and every six months thereafter.

**Decision of 1 August 2003 (4803rd meeting):
resolution 1497 (2003)**

At its 4803rd meeting,³⁷ on 1 August 2003, the Council included in its agenda a letter dated 29 July 2003 from the Secretary-General addressed to the President of the Security Council.³⁸ In his letter, the Secretary-General recalled that ECOWAS had indicated its readiness to deploy 1,500 troops to Liberia by August 2003 to serve as a vanguard force

for the multinational force that he had proposed. The deployment of the vanguard force would be the first phase of a three-phase deployment, phase two being the full multinational force and phase three being a United Nations peacekeeping operation. The priority of the vanguard force would be to stabilize the situation in Monrovia as President Taylor departed, and the phase two troops needed to arrive immediately after his departure, in order to facilitate the installation of a successor Government. The overall objective of the peacekeeping operation would be to support the implementation of the envisaged comprehensive peace agreement, leading to free elections. He requested that the Council give the United Nations Mission in Sierra Leone the necessary mandate to use its resources to provide full support for the deployment and authorize a robust mandate for the envisaged United Nations peacekeeping force so that it had a credible deterrence capability.

At the meeting the President (Syrian Arab Republic) drew attention to a draft resolution submitted by the United States³⁹ and to several other documents.⁴⁰

Statements were made by the representatives of Chile, China, France, Germany, Mexico and the United States. Most speakers supported the dispatch of a multinational force to Liberia and the deployment of a United Nations peacekeeping operation. The majority of representatives expressed concern about the humanitarian and human rights situation in Liberia and emphasized the importance of the commitment of President Taylor to abandon power. Some representatives underlined the importance of the involvement and efforts of ECOWAS and called on

³⁹ S/2001/784.

⁴⁰ Letter dated 28 June 2003 from the Secretary-General, referring to the flagrant violations of the ceasefire in Liberia and requesting the Security Council to take urgent action to authorize the deployment to Liberia of a multinational force under Chapter VII of the Charter to prevent a humanitarian tragedy and stabilize the situation in the country (S/2003/678); letter dated 8 July 2003 from the Secretary-General, reporting a number of urgent initiatives taken in the light of the political situation in Liberia (S/2003/695); and letter from the President of the Security Council reporting that the Council had taken note of the information contained in the letter dated 8 July 2003 from the Secretary-General (S/2003/696).

³⁶ S/2003/522.

³⁷ For more information on the discussion at this meeting, see chap. IV, part IV, sect. B, case 2, with regard to voluntary abstention, non-participation or absence in relation to Article 27 (3) of the Charter.

³⁸ S/2003/769.

Member States to contribute to the Multinational Force and United Nations peacekeeping mission.

The representatives of France, Germany and Mexico commented on their abstention in the vote and underlined their request for a paragraph-by-paragraph vote to the sponsor of the draft resolution. They indicated that the only reason for abstaining was their disagreement with paragraph 7 of the draft resolution,⁴¹ which limited the jurisdiction of the International Criminal Court and the national jurisdiction of third countries with respect to crimes committed by members of the multinational force if that member was the national of a State not party to the Rome Statute. This would have prevented prosecutors in States that might have to exercise jurisdiction over crimes committed against their nationals abroad from investigating and prosecuting those crimes. Moreover, their disagreement with the content of paragraph 7 was also due to its disconnection with the situation in Liberia as well as its non-compliance with international law and their respective countries' domestic legislation. The representative of Mexico also highlighted that paragraph 7 of the draft resolution "would set a serious precedent" by doing away with the prerogatives of States whose legislation provided for the exercise of criminal jurisdiction in cases where crimes were committed against their nationals abroad. He expressed concern at the fact that "paragraph 7 fails to provide guarantees" for the objective of "the elimination of impunity". Finally, he maintained that his country had never agreed with "the strategy of passive containment" that had been for so long adopted towards Liberia.⁴²

The representatives of Germany and Mexico also expressed regret over the delay in adopting the resolution.⁴³ The representative of Germany added that his delegation would have liked to see one more

paragraph in the draft resolution pertaining to children and their well-being.⁴⁴ The representative of China regretted that a compromise solution with regard to paragraph 7 of the resolution could not be found by the parties concerned.⁴⁵ The representative of Chile expressed concern about the fact that, "by making exceptions", the international community might impede the "harmonious development of international law".⁴⁵

The representative of France welcomed the fact that the resolution had been adopted "so rapidly". However, he cautioned that the scope of the "jurisdictional immunity thus created" caused "a problem of consistency" at a time when the Security Council had the intention of "spearheading the movement to reject impunity in all its forms". He welcomed the commitment of the United States to Liberia "within the United Nations framework".⁴⁶

The representative of the United States expressed his country's gratification by the "swift action taken by the Security Council" in adopting the resolution. He pointed out that their sponsorship of that resolution reflected the importance that the United States placed "on finding the right and effective means to bring peace to Liberia". He added that they appreciated the willingness of many of the West African States to assist in the vital task of restoring peace to Liberia, in particular Nigeria. He stressed that his President had "directed the Secretary of Defense to position appropriate military capabilities to support the deployment of an ECOWAS force".⁴⁷

The draft resolution was put to the vote and adopted by 12 votes to none, with 3 abstentions (France, Germany, Mexico), as resolution 1497 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized Member States to establish a Multinational Force in Liberia to support the implementation of the 17 June 2003 ceasefire agreement; declared its readiness to establish such a follow-on United Nations stabilization force to support the transitional government and to assist in the implementation of a comprehensive peace agreement for Liberia and requested the Secretary-General to submit to the Council recommendations for the size, structure, and mandate of this force, preferably by 15 August 2003, and subsequent deployment of the United Nations force no later than 1 October 2003;

⁴¹ Paragraph 7 reads: "*Decides* that current or former officials or personnel from a contributing State which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the Multinational Force or the United Nations stabilization force in Liberia, unless such exclusive jurisdiction has been expressly waived by that contributing State" (resolution 1497 (2003)).

⁴² S/PV.4803, pp. 2-4.

⁴³ *Ibid.*, pp. 2-4 (Mexico); p. 4 (Germany); and pp. 6-7 (France).

⁴⁴ *Ibid.*, p. 4.

⁴⁵ *Ibid.*, pp. 6.

⁴⁶ *Ibid.*, p. 6-7.

⁴⁷ *Ibid.*, pp. 5-6.

Authorized the United Nations Mission in Sierra Leone to extend the necessary logistical support, for a limited period of up to 30 days, to the forward ECOWAS elements of the Multinational Force, without prejudicing the Mission's operational capability with respect to its mandate in Sierra Leone;

Decided that current or former officials or personnel from a contributing State should be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the Multinational Force or United Nations stabilization force in Liberia;

Decided that the measures imposed by paragraphs 5 (a) and 5 (b) of resolution 1343 (2001) should not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of and use by the Multinational Force;

Demanded that all States in the region refrain from any action that might contribute to instability in Liberia or on the borders between Liberia, Guinea, Sierra Leone and Côte d'Ivoire.

Decision of 27 August 2003 (4815th meeting): statement by the President

At its 4815th meeting,⁴⁸ on 27 August 2003, the Council heard briefings by the Chairman of ECOWAS⁴⁹ and the Executive Secretary of ECOWAS on the situation in Liberia and the efforts of ECOWAS.⁵⁰

The Chairman of ECOWAS remarked that ECOWAS was "resolutely committed to the search for lasting peace in Liberia with a view to ensuring stability" in the entire Mano River Union area and the ECOWAS community at large. He referred to the ceasefire agreement of 17 June 2003 concluded among "the Taylor Government of Liberia", LURD and the Movement for Democracy in Liberia and to the Comprehensive Peace Agreement of 18 August 2003 (the Accra Agreement). He expressed the gratitude of the entire ECOWAS community to Nigeria, and

particularly its President, for offering political asylum to President Charles Taylor, who had left on 11 August, and for deploying a vanguard force of two battalions to Liberia. However, he expressed concern about recent measures by the Government of the United States, including the statement that the United States would pull out of direct involvement in Liberia when the United Nations peacekeeping operation began. He indicated that the Accra Agreement covered, inter alia, the cessation of hostilities; the containment, disarmament, demobilization, rehabilitation and reintegration of combatants; human rights issues; humanitarian issues; and the conduct of elections in Liberia in October 2005. He reaffirmed the determination of ECOWAS to continue to engage in Liberia after deployment of the stabilization force and to contribute troops to that force.⁵¹

The Executive Secretary of ECOWAS declared that the Council's visit to the subregion had "served as a catalyst for the Accra peace talks" and had offered the firm support of the Council to the peace process. He called for the establishment of a consultative mechanism under which there would be regular meetings between the United Nations and ECOWAS to discuss developments in Liberia. He pointed out that "conscious and deliberate efforts" needed to be directed at disarmament, demobilization and reintegration as well as to curb the proliferation of small arms and light weapons in West Africa. Finally, he spoke in favour of lifting all the sanctions currently imposed on Liberia, except the arms embargo, to further signal support for the peace process of Liberia.⁵²

At the same meeting the President (Syrian Arab Republic) made a statement on behalf of the Council,⁵³ by which the Council, inter alia:

Welcomed the Comprehensive Peace Agreement reached in Accra on 18 August 2003;

Remained concerned at the continuing dire humanitarian situation of much of the population;

Urged all parties to respect fully the ceasefire and to implement fully all their commitments under the Comprehensive Peace Agreement, including through full cooperation with the

⁴⁸ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41 of the Charter; and chap. XII, part III, sect. B, with regard to encouragement or calls by the Security Council for action by regional arrangements in the pacific settlement of disputes.

⁴⁹ The Chairman of ECOWAS was the Minister for Foreign Affairs of Ghana.

⁵⁰ The representatives of Côte d'Ivoire, Ghana, Nigeria and Senegal were invited to participate. Côte d'Ivoire, Nigeria and Guinea were represented by their respective Ministers for Foreign Affairs.

⁵¹ S/PV.4815, pp. 2-5.

⁵² *Ibid.*, pp. 5-7. See chap. XII, part III, sect. B, "The situation in Liberia", for more information on the relationship between the Security Council and ECOWAS.

⁵³ S/PRST/2003/14.

ECOWAS Mission in Liberia, the United Nations, the International Contact Group on Liberia, the African Union and the United States to establish a Joint Monitoring Committee;

Reaffirmed its readiness as stated in paragraph 2 of its resolution 1497 (2003) to establish a follow-on United Nations stabilization force to support the transitional government and to assist in the implementation of a Comprehensive Peace Agreement for Liberia.

Decision of 19 September 2003 (4830th meeting): resolution 1509 (2003)

At its 4826th meeting,⁵⁴ on 16 September 2003, the Council included in its agenda the report of the Secretary-General on Liberia dated 11 September 2003.⁵⁵ In his report, the Secretary-General observed that the major functions performed by the United Nations Peacebuilding Support Office in Liberia would be transferred to the new United Nations operation in Liberia. Finally, he recommended that the Security Council, acting under Chapter VII of the Charter, authorize the deployment of a multidimensional United Nations peacekeeping operation with a mandate as the one suggested and with adequate resources.

The Council then heard a briefing by the Special Representative of the Secretary-General for Liberia, who reported on the humanitarian and political crisis in Liberia and explained the role and objectives as well as the required resources for a United Nations mission. He underlined that the international community needed to make a “strong commitment” to Liberia to build on the efforts of ECOWAS. Finally, he commended the rapid deployment of the ECOWAS military mission in Liberia.⁵⁶

At its 4830th meeting, on 19 September 2003, the Council again included in its agenda the report of the Secretary-General dated 11 September 2003.⁵⁶ The representative of Liberia was invited to participate in the discussion.

⁵⁴ At the 4816th meeting, held in private on 27 August 2003, members of the Council, members of the ECOWAS delegation, including the representatives of Ghana, Côte d’Ivoire, Nigeria and Senegal, and the Executive Secretary of ECOWAS had a constructive exchange of views.

⁵⁵ S/2003/875, submitted pursuant to resolution 1497 (2003).

⁵⁶ S/PV.4826, pp. 2-6.

The President (United Kingdom) then drew the attention of the Council to a draft resolution;⁵⁷ it was put to the vote and adopted unanimously and without debate as resolution 1509 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to establish the United Nations Mission in Liberia (UNMIL), the stabilization force called for in resolution 1497 (2003), for a period of 12 months, and requested the Secretary-General to transfer authority from the forces of the ECOWAS Mission in Liberia to UNMIL on 1 October 2003, and further decided that UNMIL would consist of up to 15,000 United Nations military personnel, including up to 250 military observers and 160 staff officers, and up to 1,115 civilian police officers, including formed units to assist in the maintenance of law and order throughout Liberia, and the appropriate civilian component; decided that UNMIL could have the following mandate: (a) support for implementation of the Ceasefire Agreement; (b) support for humanitarian and human rights assistance; (c) support for security reform;

Demanded that the Liberian parties cease hostilities throughout Liberia and fulfil their obligations under the Comprehensive Peace Agreement and the ceasefire agreement, including cooperation in the formation of the Joint Monitoring Committee as established under the ceasefire agreement;

Demanded that all parties cease all use of child soldiers, that all parties cease all human rights violations and atrocities against the Liberia population, and stressed the need to bring to justice those responsible;

Decided that the measures imposed by paragraphs 5 (a) and 5 (b) of resolution 1343 (2001) should not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by UNMIL;

Decided to remain actively seized of the matter.

Decision of 22 December 2003 (4890th meeting): resolution 1521 (2003)

At its 4890th meeting, on 22 December 2003, the Council included in its agenda a letter dated 28 October 2003 from the Chairman of the Committee established pursuant to resolution 1343 (2001) addressed to the President of the Security Council,⁵⁸ transmitting the report of the Panel of Experts appointed pursuant to paragraph 25 of resolution 1478 (2003). In its report, the Panel of Experts observed that the Transitional National Government lacked the funding to operate properly and rebuild the necessary institutions to govern and that that the arms embargo,

⁵⁷ S/2003/898.

⁵⁸ S/2003/937 and Add.1.

the travel ban and the rules of civil aviation were being violated. It recommended, *inter alia*, the continuation of all sanctions; the establishment of a process using UNMIL to monitor the main ports, airports and border crossings; and the launch of a national sensitization campaign to inform Liberians about the justification for sanctions.

At the meeting the President (Bulgaria) drew the attention of the Council to a draft resolution;⁵⁹ it was put to the vote and adopted unanimously and without debate as resolution 1521 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to terminate prohibitions imposed by paragraphs 5, 6, 7 of resolution 1343 (2001) and paragraphs 17 and 28 of

⁵⁹ S/2003/1180.

resolution 1478 (2003) and to dissolve the committee established under resolution 1343 (2001);

Decided that all States should take necessary measures to prevent the sale or supply of arms to Liberia;

Decided also that all States should take necessary measures to prevent the entry or transit through their territories of all individuals designated by the Committee who constituted a threat to the peace process in Liberia;

Decided that all States should take necessary measures to prevent direct or indirect import of all rough diamonds, all round logs and timber products from Liberia;

Decided that those measures were established for 12 months from the date of adoption of the resolution;

Decided to establish a Committee of the Security Council to monitor implementation of the measures imposed by the resolution.

3. The situation in Somalia

Decision of 29 June 2000 (4167th meeting): statement by the President

At the 4166th meeting of the Security Council, on 29 June 2000, following a briefing by the Under-Secretary-General for Political Affairs, statements were made by all Council members, the representatives of Djibouti, Egypt, Ethiopia, the Libyan Arab Jamahiriya, Portugal (on behalf of the European Union¹) and Yemen, as well as the Permanent Observer of the League of Arab States.

The Under-Secretary-General for Political Affairs informed the Council that the Somali National Peace Conference, launched at Arta, in Djibouti, on 2 May 2000, had moved from its procedural stages to the consideration of substantial issues with the ultimate goal of drafting an interim charter and selecting the delegates for a Transitional National Assembly, which would, in turn, select the members of a Transitional National Administration for Somalia. While a large number of political leaders, government officials, Somalis from the diaspora and prominent members of civil society participated in the Conference, two “building blocks” — the self-styled “Somaliland” and

“Puntland” — remained outside the process. He emphasized that although Djibouti was acting as host and facilitator, the process was Somali-owned. The Under-Secretary-General also expressed concern about the humanitarian and security situation in Somalia and indicated that the support of the Council for the process would offer the best deterrence against obstructions from circles whose privileges and capacity to profit from disorder were threatened by a move towards peace.²

Speakers stressed the urgent need for a comprehensive and lasting solution to the crisis in Somalia and expressed support for the Djibouti peace initiative. They deplored the dire humanitarian situation, condemned the attacks on humanitarian personnel and urged all Somali factions to ensure their safety and freedom of movement. Furthermore, they expressed concern at the flow of arms to and within Somalia and called on the Security Council to endorse and support the Djibouti peace process and ensure strict implementation of the arms embargo on Somalia established by resolution 733 (1992).

The representative of Djibouti commended the exemplary efforts of the Secretary-General towards the peace process, his constant encouragement and support for the Conference and its goals. Highlighting the

¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

² S/PV.4166, pp. 2-5.