

with the exception of those responsible for war crimes.²¹

The representative of New Zealand cautioned against defining detailed policy approaches to disarmament, demobilization and reintegration applicable to all situations, as no two post-conflict peacebuilding situations were the same. Nevertheless, drawing from his country's experience in East Timor, he stated that the timeliness of the response was one of the key principles that had general applicability.²² That view was shared by the representative of Canada, who advised that a swift and substantive United Nations peacekeeping action lent credibility to the Organization's efforts and to national initiatives, and that in order to include a meaningful disarmament, demobilization and reintegration component in the mandate of peacekeeping operations, the Council had to show a genuine will to build a capacity for rapid and adequate deployment.²³

In regard to the execution of disarmament, demobilization and reintegration programmes, the representatives of Algeria and Mongolia highlighted the need to respect the principles of political independence, sovereignty and territorial integrity of all States concerned, as established in the Charter.²⁴ A number of delegations also drew attention to the role

played by the General Assembly and the Economic and Social Council in disarmament, demobilization and reintegration processes.²⁵

At its 4119th meeting, on 23 March 2000, at which the Council again included in its agenda the above-mentioned report of the Secretary-General,²⁶ the President (Bangladesh) made a statement on behalf of the Council,²⁷ by which, the Council, *inter alia*:

Underlined that the disarmament, demobilization and reintegration of ex-combatants were mutually supportive;

Stressed that the political commitment of the parties involved in a peace process was a precondition for success of disarmament, demobilization and reintegration programmes;

Reaffirmed that disarmament and demobilization must take place in a secure and safe environment, which would give ex-combatants the confidence to lay down their arms;

Underlined in particular the importance of disarming, demobilizing and reintegrating child soldiers, as well as taking into account the problems faced by war-affected children in mission areas;

Welcomed the initiative of the Secretary-General to include within all peacekeeping operations personnel with appropriate training in international, humanitarian, human rights and refugee law, including child-and gender-related provisions;

Recognized that adequate and timely funding for disarmament, demobilization and reintegration was critical to the successful implementation of a peace process.

²¹ S/PV.4118, p. 10 (Malaysia); S/PV.4118 (Resumption 1), pp. 5-6 (Croatia).

²² S/PV.4118 (Resumption 1), p. 2.

²³ S/PV.4118, p. 17.

²⁴ *Ibid.*, p. 23 (Algeria); S/PV.4118 (Resumption 1), p. 4 (Mongolia).

²⁵ S/PV.4118, p. 5 (Russian Federation); and p. 23 (Algeria); S/PV.4118 (Resumption 1), p. 7 (Bahrain); and p. 14 (Egypt).

²⁶ S/2000/101.

²⁷ S/PRST/2000/10.

C. Maintaining peace and security: humanitarian aspects of issues before the Security Council

Initial proceedings

Decision of 9 March 2000 (4110th meeting): statement by the President

At its 4109th meeting, on 9 March 2000, the Council included in its agenda the item entitled "Maintaining peace and security: humanitarian aspects of issues before the Security Council". At the meeting, statements were made by the Secretary-General; by all Council members, the representatives of Austria (as Chairman-in-Office of the Organization for Security and Cooperation in Europe), Belarus, Brazil, Bulgaria,

Colombia, Egypt, India, the Islamic Republic of Iran, Norway, Pakistan, Portugal (on behalf of the European Union²⁸) and South Africa, as well as the Permanent Observer of Switzerland.

In his opening statement, the Secretary-General observed that the experiences of the past decade, from

²⁸ Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.

Africa to the Balkans to Asia, had drawn attention to the fact that a humanitarian mission held both greater promise and greater peril than almost any other part of the United Nations work. He drew attention to how humanitarian action could save lives and at the same time how it could be exploited and abused by parties unwilling to abide by humanitarian principles and thus subvert such action to further their own inhumane policies. He emphasized three major issues facing humanitarian action: (a) how such action could make a positive contribution to efforts to restore and maintain peace and security; (b) how to continue to make progress in integrating humanitarian and political-military elements of peace operations; and (c) how to ensure that the legal and principled basis of humanitarian action was respected and strengthened. He stressed the importance of giving humanitarian concerns early consideration when comprehensive peace agreements were negotiated, as well as in peacekeeping missions, to ensure sufficient advance planning on the humanitarian side for operations undertaken to implement a peace agreement. He mentioned three ways in which the Council could strengthen its support for humanitarian action. First, the Council could press Member States to commit themselves fully to providing the financial support needed for humanitarian programmes. Second, the Council could consider including in peacekeeping mandates provisions for financing the early stages of post-conflict reconstruction and the restoration of the rule of law. Third, the Council should address the fact that post-conflict peacebuilding activities were routinely hampered by the failure to sustain the flow of resources, leading to gaps between the provision of direct humanitarian assistance and the restoration of longer-term reconstruction and development. In conclusion, he expressed hope that humanitarian concerns would be fully integrated into the Council's efforts to foster peace and security.²⁹

Speakers generally concurred with the observations of the Secretary-General, especially the fact that the Council should deal with humanitarian crises in a timely manner to prevent further complications in finding solutions for such issues. Some representatives advocated the importance of adopting comprehensive and flexible approaches that integrated political, security, humanitarian, human rights and development dimensions to solve the causes

²⁹ S/PV.4109, pp. 3-4.

of crises. Other representatives pointed out that addressing humanitarian aspects of crises was not a substitute for political action and stressed the importance of the use of preventive measures in addressing the root causes of conflicts.

Most speakers stressed the importance of the Council ensuring the safe and unimpeded access of humanitarian assistance to war-affected civilians and the safety, security and freedom of movement of the United Nations and associated humanitarian personnel. A number of representatives underlined the importance of the cooperation of all the parties to a given conflict, as well as the need to secure the consent of the Governments of the affected countries in addressing humanitarian emergencies. Some delegations recognized the need to incorporate the humanitarian dimension at the earliest stage in the formulation of clear and viable peacekeeping mandates, and also cautioned that care should be taken to keep a clear distinction between peacekeeping and humanitarian activities. Other speakers observed the need for the Council to develop better coordination with relevant bodies of the United Nations and its specialized agencies, which would enhance a comprehensive and integrated approach in alleviating the hardships suffered by civilians during humanitarian crises.

The representative of France argued that humanitarian crises could reach such degrees of seriousness that the response could be only a political one, which, in certain circumstances, would also require the use of force to put an end to large-scale violations of human rights and international humanitarian law. Those violations in themselves threatened international peace and security and therefore fully justified the use of such action, in accordance with the Charter.³⁰ That view was supported by the representative of Portugal, who agreed that massive and systematic breaches of international humanitarian and human rights law could constitute a threat to peace and security, and in the case of massive and ongoing abuses the consideration by the Council of appropriate enforcement measures, based on clear and identifiable criteria, might be necessary.³¹

In contrast, the representative of Norway noted that while a difficult humanitarian situation might be part of the Council's assessment of whether a situation

³⁰ *Ibid.*, p. 7.

³¹ S/PV.4109 (Resumption 1), p. 2.

was a threat to peace and security, it was not in itself a sufficient legal basis for the threat or use of force.³² The representative of the Russian Federation underlined that violations of international humanitarian law could not be ended by actions that themselves violated the Charter. He added, echoed by China and Pakistan, that arbitrary military measures that sidestepped the Council, including those taken under the pretext of preventing humanitarian catastrophes, were not acceptable and could only worsen crises. He noted that his country was open to the idea of developing criteria and legal frameworks for activities of the international community, including enforcement in cases of extreme humanitarian situations.³³ Similarly, the representative of the Islamic Republic of Iran pointed out that in the process of furthering humanitarian causes, the international community might employ coercive measures, including the use of military force, but this could be done only in strict conformity with the Charter and pursuant to a decision by the Council. He expressed the belief that enforcement actions without Council authorization and in contempt of the Charter tended to undermine the current international security system.³⁴ The representative of Belarus also stressed that the concept of “humanitarian intervention” was illogical and was fraught with unforeseeable dangers.³⁵

The representative of Egypt commented on the wording of the agenda item and stated that it provided a very loose framework for discussion, making it difficult for many Member States to address the issue accurately or to speak about it in specific or definitive terms. He noted that the term “humanitarian aspects” could be used to raise various subjects and ideas and involved too many concepts and measures which made it difficult to deal with the various dimensions or component parts of the question with any reasonable degree of confidence.³⁶ The representative of India noted that the fact that 15 members of the Council had so clearly been unable to agree even on the wording of the agenda item showed that the underlying concept was controversial. He pointed out that since there was no comparable legal framework for humanitarian

relief, it might seem to be a greyer area, but it was the sovereign right of a State to determine whether it needed humanitarian assistance or not, and therefore the use of force by the Council would be wrong in law, violating Article 2 (7) of the Charter.³⁷

At the 4110th meeting, on 9 March 2000, the President (Bangladesh) made a statement on behalf of the Council,³⁸ by which the Council, *inter alia*:

Recalled its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security;

Affirmed that timely consideration of humanitarian issues contributes to the prevention of escalation of conflicts and to the maintenance of international peace and security;

Reaffirmed its concern for the well-being and rights of war-affected civilians and reiterated its call to all parties to ensure safe and unimpeded access of humanitarian personnel to those civilians;

Noted that full and timely support for humanitarian components could be critical in ensuring and enhancing the sustainability of any peace agreement and post-conflict peacebuilding;

Noted that in some instances the integration of humanitarian components into peacekeeping operations would contribute effectively to the fulfilment of their mandate, and, in that regard, noted the importance of adequate training for peacekeeping personnel in, *inter alia*, international humanitarian law and human rights;

Underlined the importance of effective coordination among relevant United Nations organs and agencies, regional bodies and other humanitarian actors in the field;

Recognized the role played by international humanitarian organizations and Non-Governmental Organizations in providing humanitarian assistance and alleviating the impact of humanitarian crises;

Noted with concern the inadequate financial support for humanitarian activities, and called for adequate funding;

Encouraged the Secretary-General to continue to include the humanitarian situation in his regular briefings to the Council on countries under review, as well as the funding status of the United Nations consolidated appeals, where appropriate.

³² *Ibid.*, p. 6.

³³ S/PV.4109, p. 15 (Russian Federation); and p. 16 (China) and S/PV.4109 (Resumption 1), and p. 9 (Pakistan).

³⁴ S/PV.4109 (Resumption 1), pp. 18-19.

³⁵ S/PV.4109, p. 23.

³⁶ *Ibid.*, p. 20.

³⁷ *Ibid.*, pp. 12-13.

³⁸ S/PRST/2000/7.