

guaranteed, and where human rights and freedom of expression were accepted.<sup>31</sup>

Several speakers focused on how to empower civil society to become an even more active partner in peacebuilding, and generally agreed on the need to strengthen communication, in particular through consolidating the dialogue between the Council and civil society, with a view to establishing a two-way flow of information. Several speakers supported the recommendations of the Panel on making better use of Arria-formula meetings and field visits.<sup>32</sup> Several speakers also emphasized the need to strengthen the capacity of, and assistance to, civil society organizations so as to make those actors real and effective partners.

While speakers generally agreed on the role of the Security Council in strengthening cooperation between civil society and the United Nations, the representative of Bangladesh emphasized that the Economic and Social Council should be the lead institution in involving civil society organizations in post-conflict peacebuilding policy recommendations, by engaging non-governmental organizations effectively through its consultative mechanisms, its subsidiary commissions and its ad hoc advisory groups on post-conflict countries.<sup>33</sup> The representative of Nepal expressed the hope that the Council would work coherently with other United Nations organs and agencies, such as the Economic and Social Council, which had mandates and competence in the domain of development, and not usurp their roles.<sup>34</sup>

### **C. The role of civil society in conflict prevention and the pacific settlement of disputes**

#### **Initial proceedings**

##### **Decision of 20 September 2005 (5264th meeting): statement by the President**

At its 5264th meeting, on 20 September 2005, the Security Council included in its agenda the item entitled

“The role of civil society in conflict prevention and the pacific settlement of disputes”. The President (Philippines) drew attention to a letter dated 7 September 2005 from the representative of the Philippines, transmitting a concept paper to guide the discussion.<sup>35</sup>

The Assistant Secretary-General for Political Affairs made a statement on behalf of the Secretary-General. The Council then heard briefings by the Executive Director of the European Centre for Conflict Prevention; the Chair of the Columbia University Seminar on Conflict Resolution and Faculty Coordinator of the Columbia University Conflict Resolution Network; and the founder and Executive Director of the African Centre for the Constructive Resolution of Disputes. Statements were made by all Council members and the representatives of Canada, Peru, Slovakia and Switzerland.<sup>36</sup>

The Assistant Secretary-General for Political Affairs read out a statement by the Secretary-General emphasizing the important role of civil society in conflict prevention. He noted that both the United Nations and regional organizations had to do more to tap into civil society’s comparative advantages, namely a strong local presence and experience on the ground. He pointed out that civil society had the capability to identify new threats and concerns faster than the United Nations system could and the fact that they were indispensable in “track-two” and “people-to-people” diplomacy, which was often integral to successful post-conflict political and reconciliation processes. Civil society organizations could also reach parties on the ground that Governments could not reach, as well as complement the work of the United Nations by offering valuable analyses originating from the field. For those reasons, he further stated, civil society organizations would have an important role to play in the deliberations concerning the establishment of the Peacebuilding Commission. He urged Governments, international financial institutions, regional organizations and civil society to work

<sup>31</sup> S/PV.4993, p. 17.

<sup>32</sup> Ibid., p. 11 (France); p. 13 (United Kingdom); p. 23 (China); p. 24 (Brazil); p. 28 (Germany); S/PV. 4993 (Resumption 1), p. 8 (Peru); and p. 15 (Canada).

<sup>33</sup> S/PV.4993 (Resumption 1), p. 11.

<sup>34</sup> Ibid., p. 17.

<sup>35</sup> S/2005/594.

<sup>36</sup> Denmark, Peru, Slovakia and Switzerland were represented by their respective Ministers for Foreign Affairs. Romania was represented by the State Secretary for Global Affairs. The United Republic of Tanzania was represented by the Deputy Minister for Foreign Affairs and International Cooperation. The representative of the United Kingdom spoke on behalf of the European Union.

together as partners to improve the effectiveness of conflict prevention and peacebuilding strategies.<sup>37</sup>

The Executive Director of the European Centre for Conflict Prevention highlighted the necessity of a partnership between the United Nations and civil society. He called for a fundamental change in dealing with conflict and to shift resources from “reaction to prevention”. He made several proposals aimed at producing a coherent and integrated approach on conflict prevention involving input from regional organizations and civil society.<sup>38</sup>

The Chair of the Columbia University Seminar on Conflict Resolution and Faculty Coordinator of the Columbia University Conflict Resolution Network presented the perspective of academic centres as part of civil society’s contribution to conflict prevention and the pacific settlement of disputes. He highlighted the roles played by academic institutions in conflict prevention and added that it was a contribution involving understanding and experimentation. He also stated that universities had frequently used their autonomy to foster a human search beyond the constraints of institutionalized politics and hoped that the Security Council would continue to keep its openness to academic learning.<sup>39</sup>

The founder and Executive Director of the African Centre for the Constructive Resolution of Disputes touched on a number of issues about civil society and reiterated the importance of partnership between States, civil society and the private sector in conflict resolution and prevention. He expressed the view that civil society should remain outside the formal structures of the United Nations since its strength, legitimacy and flexibility were derived from its independence.<sup>40</sup>

Council members stressed that the essential responsibility for conflict prevention rested with national Governments, but agreed on the important role of civil society in support of conflict prevention and the pacific settlement of disputes, in line with Chapter VI of the Charter. They urged the United Nations and the international community to support national efforts for conflict prevention and assist in building national capacity in this field. Speakers noted that a well

functioning civil society had the advantage of specialized knowledge, capabilities, experience, links with key constituencies, influence among local actors and resources. Council members also underlined the role that these actors could play in providing a bridge to dialogue and other confidence-building measures between parties in conflict.

Several speakers expressed views on how the Council could better engage civil society in resolving conflicts and cited the newly established Peacebuilding Commission as a valuable tool for interaction with civil society.<sup>41</sup> Some delegations underlined their support for the report of the Panel of Eminent Persons on United Nations-Civil Society Relations,<sup>24</sup> and believed it was a means to better integrate civil society into the overall work of the United Nations.<sup>42</sup>

Several speakers supported the Arria-formula meeting as a suitable mechanism for consulting civil society since it provided the Council with independent information concerning situations that could potentially destabilize a country.<sup>43</sup> The representative of the United Republic of Tanzania argued that Arria-formula relationships would enable the Council to make “more and better informed decisions”,<sup>44</sup> while the representative of Argentina maintained that frequent use of the formula would undoubtedly “strengthen the Council’s preventive role”.<sup>45</sup>

Delegations also raised the issue of the involvement or non-involvement of civil society in conflict resolution and prevention. According to the representative of Greece the capacity of civil society and particularly that of local actors was relatively weak and therefore closer and better coordination and cooperation with the United Nations and with regional and subregional organizations was necessary.<sup>46</sup> The representative of Peru stated that when its voice was silenced, civil society could end up caught in the

<sup>37</sup> S/PV.5264, pp. 2-3.

<sup>38</sup> Ibid., pp. 3-4.

<sup>39</sup> Ibid., pp. 3-6.

<sup>40</sup> Ibid., pp. 6-7.

<sup>41</sup> Ibid., pp. 7-8 (Denmark); p. 14 (Peru); p. 15 (Switzerland); p. 17 (United Kingdom); p. 19 (Brazil); and pp. 20-21 (Argentina).

<sup>42</sup> Ibid., p. 16 (United Kingdom); p. 19 (Brazil); p. 20 (Argentina); p. 22 (Japan); and p. 25 (Algeria).

<sup>43</sup> Ibid., p. 11 (Greece); p. 12 (United Republic of Tanzania); p. 17 (United Kingdom); p. 19 (Benin); p. 22 (Japan); p. 24 (France); p. 25 (Algeria); and p. 29 (Canada).

<sup>44</sup> Ibid., p. 12.

<sup>45</sup> Ibid., p. 21.

<sup>46</sup> Ibid., p. 11.

“problem of confrontation and polarization” that generated violence, while the social fabric that it represented and in which it functioned was torn apart.<sup>47</sup> Similarly, the representative of France highlighted the danger of civil society becoming the “vector of violent, criminal action”.<sup>48</sup> The representative of the United States urged the United Nations to support countries seeking self-government by encouraging the development of free institutions.<sup>49</sup>

At the end of the debate, the President made a statement on behalf of the Council,<sup>50</sup> by which the Council, *inter alia*:

Underlined the need for a broad strategy for conflict prevention and pacific settlement of disputes;

Reaffirmed the need for this strategy to be based on engagement with Governments, regional and subregional organizations as well as civil society organizations;

Underlined the potential contributions of a vibrant and diverse civil society in conflict prevention, as well as in the peaceful settlement of disputes; and noted that a well-functioning civil society has the advantage of specialized knowledge, capabilities, experience, links with key constituencies, influence and resources, which could assist parties in conflict to achieve peaceful solution to disputes;

Noted that a vigorous and inclusive civil society could provide community leadership, help to shape public opinion, and facilitate as well as contribute to reconciliation between conflicting communities;

[Stated that it] would strengthen its relationship with civil society, including, as appropriate, through, *inter alia*, the use of “Arria-formula” meetings and meetings with local civil society organizations during Council missions.

<sup>47</sup> *Ibid.*, p. 14.

<sup>48</sup> *Ibid.*, p. 24.

<sup>49</sup> *Ibid.*, p. 26.

<sup>50</sup> S/PRST/2005/42.

## 46. Items relating to non-proliferation

### A. Non-proliferation of weapons of mass destruction

#### Initial proceedings

##### Decision of 28 April 2004 (4956th meeting): resolution 1540 (2004)

At the 4950th meeting, on 22 April 2004,<sup>1</sup> statements were made by all members of the Security Council and the representatives of Albania, Argentina, Australia, Austria, Belarus, Canada, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Ireland (on behalf of the European Union),<sup>2</sup> Israel, Japan, Jordan, Kazakhstan, Kuwait, Liechtenstein, Lebanon,

Malaysia (on behalf of the Non-Aligned Movement), Mexico, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Peru, the Republic of Korea, Singapore, South Africa, Sweden, Switzerland, the Syrian Arab Republic, Tajikistan and Thailand.

The majority of speakers acknowledged that the acquisition of weapons of mass destruction by non-State actors posed a serious threat to international peace and security and pointed out that the non-proliferation regimes did not address the issue of how to prevent access by non-State actors to such weapons. Speakers discussed a draft resolution before the Council that would, *inter alia*, require States to take effective measures and establish domestic controls to prevent the proliferation of weapons and their means of delivery, as well as prevent States from assisting non-State groups in acquiring weapons of mass destruction. A number of representatives questioned the necessity of adopting the draft resolution under Chapter VII of the Charter, raising issues related to the binding nature of Council action.<sup>3</sup> The representative of Brazil, among others, argued that as Article 25 made all Council resolutions binding, the use of Chapter VII

<sup>1</sup> For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter; chap. XI, part IV, sect. B, with regard to Article 42; chap. XII, part II, sect. A, case 13, with regard to Article 24; and chap. XII, part II, sect. B, case 18, with regard to Article 25.

<sup>2</sup> Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

<sup>3</sup> S/PV.4950, p. 4 (Brazil); p. 5 (Algeria); p. 15 (Pakistan); S/PV.4950 (Resumption 1), p. 4 (Malaysia, on behalf of the Non-Aligned Movement); and p. 14 (Nepal).