

of peacekeeping operations the regional instruments enabling States to identify and trace illegal small arms and light weapons;

Welcomed the efforts undertaken by its subsidiary bodies with responsibilities in counter-terrorism to foster cooperation with regional and subregional organizations;

Recognized the importance of promoting the identification and further development of modalities which enhance the contribution of regional and subregional organizations to the work of the Council in maintaining international peace and security;

Requested the Secretary-General to include in his report pursuant to the statement by its President of 28 March 2007¹⁰⁸ a recommendation on practical ways and means to increase and strengthen cooperation between the United Nations and regional and subregional organizations in the maintenance of international peace and security;

Invited all Member States to contribute more actively to the strengthening of the capacity of regional and subregional organizations in issues relating to the maintenance of international peace and security.

¹⁰⁸ S/PRST/2007/7.

50. Civilian aspects of conflict management and peacebuilding

Initial proceedings

Decision of 22 September 2004 (5041st meeting): statement by the President

At its 5041st meeting, on 22 September 2004, the Security Council included in its agenda the item entitled “Civilian aspects of conflict management and peacebuilding” a letter dated 8 September 2004 from the representative of Spain to the United Nations addressed to the Secretary-General,¹ transmitting a discussion paper on the topic. Statements were made by the Secretary-General, the Commissioner for Peace and Security of the African Union, the High Representative for the European Union Common Foreign and Security Policy and the Secretary-General of the League of Arab States, as well as by all members of the Council.²

In his introductory statement, the Secretary-General stressed that, for the maintenance of international peace and security, restoration of the rule of law was vital in war-torn societies. He said that in the complex business of peacebuilding, a clear political strategy that included benchmarks for progress towards building legitimate and effective States was necessary. He expressed the view that the Council’s sustained

interest and focus was needed to address current challenges, since disinterest and division within the Council resulted in unfulfilled mandates and unsolved problems. Furthermore, the United Nations, other intergovernmental organizations, bilateral donors and non-governmental organizations should work more closely together on the basis of shared goals and priorities, since peacebuilding was interdependent and failure in one sector could result in failure in other sectors. In addition, in efforts at peacebuilding, a highly skilled cadre of civilian staff were needed that would include both technical experts and individuals who brought together diverse perspectives on conflict management, State-building, development and transitional justice. In regard to the security of United Nations civilian staff, the Secretary-General underlined that there must be a reasonable balance between the risks they took and the substantive contributions they were called on to make.³

The Commissioner for Peace and Security of the African Union stated that the Protocol establishing the African Union Peace and Security Council outlined its responsibilities for bringing peace, security and stability to Africa. He noted that the African Union’s limited experience in Darfur with the deployment of the African Union Mission in the Sudan had revealed the need to expand the mission to include civilian components in order to address the civilian, human rights and humanitarian aspects of the crisis. He also stressed the need to devote attention to linkages with civil society organizations. Finally, he noted that the

¹ S/2004/722.

² Brazil, France, Germany, the Philippines, Romania and Spain were represented by their respective Ministers for Foreign Affairs, Pakistan by the Minister of State for Foreign Affairs, Angola by the Minister of External Relations, and the United Kingdom by the Secretary of State for Foreign and Commonwealth Affairs.

³ S/PV.5041, pp. 2-3.

Protocol also provided for the creation of a standby force comprising civilian and military components ready for rapid deployment at appropriate notice by 2010. However, he stressed that the African Union would rely on the continued support of the United Nations to develop the force.⁴

The High Representative for the European Union Common Foreign and Security Policy noted that civilian aspects had in recent years taken on primary importance in crisis management. In addition to the political and security dimensions of rebuilding a State, a third dimension entailed establishing institutions in which a given population could have confidence. He stated that over a very brief period the European Union had developed concepts and established structures capable of sustaining the deployment of civilian elements. He observed that the European Union's security policy architecture ensured that it was able to deploy civilian instruments in a sustained manner and, of the six operations undertaken by the European Union in recent years, three were civilian. Considering the difficulties of building up civilian personnel for deployment to crisis areas, the international community must establish mechanisms to properly train civilian staff for rapid deployment in the civilian component of crisis management operations. In addition, he affirmed that a new culture of coordination between the military and civilian components of such operations must be developed. The European Union had set up a civilian-military planning cell to encompass the planning of both aspects.⁵

The Secretary-General of the League of Arab States stated that the Council's consideration of the current item showed the importance it attached to developing the partnership of the United Nations with international and regional organizations under Chapter VIII of the Charter. Cooperation between the United Nations and the Council on the one hand, and regional organizations on the other, was fundamentally governed by the Charter and solid norms for such cooperation had been established by General Assembly resolutions and agreements. He stressed that a second fundamental principle was that threats and challenges in the international arena needed to be dealt with collectively, in a multilateral manner, addressing both civilian and political aspects, and that political

solutions, not military solutions, must be the first choice in dealing with crises.⁶

Most Council members stressed the growing importance of civilian aspects of conflict management and acknowledged the importance of civil-military cooperation, as well as coordination within the United Nations system and at the regional and subregional levels. They held that an environment made safe by the military and civilian police was absolutely essential for civilian reconstruction and rehabilitation activities undertaken by civilians. Moreover, members recognized the need to improve and strengthen coordination mechanisms between military forces and civilian actors. Members expressed support for efforts to develop wider capabilities — including in the key areas of police, justice and the rule of law, preparation of electoral processes, electoral observation, civil protection and public administration — and highlighted the importance of involving local actors in policy-making processes.

Speakers called for the further development of common strategies and operational policies and urged that the civilian component of conflict management be accorded adequate and sustained support. Specifically, the representatives of Chile and Spain recommended that Member States should develop their capabilities in the areas of police and civil administration and, with a view to their possible use within the framework of peacekeeping operations, establish national registers of human and material resources.⁷ Some members called for the establishment of rapid deployment units not only for civilian police but also for judges and human rights experts.⁸

Most speakers highlighted the importance of promoting cooperation among the United Nations, its agencies and programmes, regional organizations and Member States in order to increase the availability of human and material resources for the management of the civilian aspects of peacekeeping operations. The representative of France hoped that the high-level panel established by the Secretary-General would produce concrete proposals for creating permanent mechanisms to coordinate among world and regional institutions, non-governmental organizations and the

⁴ Ibid., pp. 3-4.

⁵ Ibid., pp. 5-6.

⁶ Ibid., pp. 6-8.

⁷ Ibid., p. 10 (Chile); and p. 29 (Spain).

⁸ Ibid., p. 11 (Germany); p. 12 (France); and p. 13 (Romania).

private sector.⁹ A number of representatives emphasized the need for a greater role to be given to the Economic and Social Council and to improve cooperation between it and the Security Council,¹⁰ while the representative of Pakistan reiterated the proposal by his Government for establishing ad hoc composite committees of the Security Council, the General Assembly and the Economic and Social Council.¹¹

Several speakers recognized the importance of an efficient civilian police force, emphasizing that, while military peacekeepers can help to stabilize a post-conflict country, the establishment of a competent, impartial and adequately resourced civilian police mission was crucial to maintaining security. The representative of the United States believed that civilian police should be linked with assistance to the judicial and penal systems, lest policing become nothing more than a continuation of the peacekeeping function.¹²

⁹ Ibid., p. 12.

¹⁰ Ibid., p. 17 (Brazil); p. 19 (Pakistan); p. 20 (Angola); and p. 28 (Algeria).

¹¹ Ibid., p. 19.

¹² Ibid., p. 21.

The President (Spain) made a statement on behalf of the Council,¹³ which read, in part:

The Security Council met at the ministerial level on 22 September 2004 to consider “Civilian aspects of conflict management and peacebuilding”;

Ministers recognized the increasing importance of civilian aspects of conflict management in addressing complex crisis situations and in preventing the recurrence of conflict; they affirmed the importance of conflict resolution in accordance with the relevant provisions of the Charter;

Ministers also acknowledged the importance of civilian-military cooperation in crisis management;

Ministers recognized the increasing role of some regional and subregional and other international organizations in crisis management;

Ministers supported the efforts by Member States to continue to develop their own civilian crisis management capabilities, and they also supported their initiatives to make those capabilities available to United Nations and other relevant regional or subregional organizations, as a contribution to their efforts in the maintenance of international peace and security.

¹³ S/PRST/2004/33.

51. Items relating to the rule of law

A. Justice and the rule of law: the United Nations role

Decision of 6 October 2004 (5052nd meeting): statement by the President

At its 5052nd meeting, on 6 October 2004, the Security Council included in its agenda the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies.¹ In his report, the Secretary-General highlighted that justice, peace and democracy were not mutually exclusive objectives, but were rather mutually reinforcing imperatives. He advocated for truth commissions, vetting processes, reparation programmes, international norms and standards, and providing the necessary resources to support such programmes. He underlined the particular ability of the Security Council to refer situations to the International Criminal Court, “even in

cases where the countries concerned are not States parties to the Statute of the Court”, and encouraged the further ratification of its Statute. Finally, he emphasized that strengthening United Nations support would require enhancing coordination among all actors; developing rosters of experts and technical tools; keeping more systematic records; and analysing and applying those lessons in Security Council mandates, peace processes and the operations of United Nations peace missions.

At the same meeting, the Council heard briefings by the Secretary-General, the Special Adviser to the Secretary-General on the Prevention of Genocide and Director of the International Centre for Transitional Justice, and the Administrator of the United Nations Development Programme; following which statements were made by all Council members and the representatives of Argentina, Australia, Austria,

¹ S/2004/616.