

while peacekeeping operations were the responsibility of the Security Council and, on a subsidiary basis, the General Assembly, peacebuilding operations were exclusively the responsibility of the people of the country afflicted by conflict. The United Nations was obliged to respect the self-determination of peoples and therefore its sole task was to support the process through international cooperation and on the basis of the parameters, norms and principles freely established by the people concerned.²²

The representative of China stressed that the Security Council, as the organ of the United Nations bearing the primary responsibility for international peace and security, should, as a matter of course, play a lead role in conflict prevention and management; effective conflict prevention and resolution, as well as post-conflict reconstruction, were the primary functions of the Security Council in response to humanitarian crises. At the same time, he emphasized that all the participants in post-conflict reconstruction efforts should abide by the purposes and principles of the Charter and universally recognized norms of international law and should respect the sovereignty and territorial integrity of the countries concerned.²³

The representative of Peru believed that, to improve the Security Council's response to humanitarian crises, its five permanent members could arrive at a gentleman's agreement not to use the veto when it was a question of crises involving crimes against humanity, such as massive violations of human rights, ethnic cleansing and genocide.²⁴

The President made a statement on behalf of the Council,²⁵ by which the Council, *inter alia*:

Reaffirmed the purposes and principles enshrined in the Charter of the United Nations and bore in mind its primary responsibility for the maintenance of international peace and security;

Remained deeply concerned by the devastating humanitarian, political and economic consequences of armed conflicts; stressed the political and moral imperatives to prevent the outbreak and escalation of armed conflicts and humanitarian crises, and the benefits therein for peace and development and friendly relations among States;

Reiterated the importance it attached to the urgent restoration of justice and the rule of law in post-conflict societies and in promoting national reconciliation, democratic development, and human rights;

Recognized the increasing importance of civilian aspects of conflict management in addressing complex crisis situations and in preventing the recurrence of conflict and acknowledged the importance of civilian-military cooperation in crisis management;

Took note with interest of the important proposal by the Secretary-General to establish a peacebuilding commission;

Acknowledged that in post-conflict societies successful peacebuilding rested on the premise that protection of civilians, the promotion of the rule of law and transitional justice, disarmament, demobilization, repatriation, reintegration and rehabilitation of former combatants, security sector and democratic, economic and social reform were integrated elements and that national ownership played an important role which should be supported by the international community.

B. The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations

Decision of 18 July 2005 (5228th meeting): statement by the President

At its 5228th meeting, on 18 July 2005,²⁶ the Security Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations and the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS). Statements were made by all members of the Council.

The Under-Secretary-General said that some had initially wondered whether resolution 1308 (2000) belonged on the agenda of the Council,²⁷ but the resolution had helped AIDS gain the attention it deserved from the Department of Peacekeeping Operations, and the Department had developed a comprehensive strategy since the adoption of the resolution to reduce the risk of peacekeepers contracting or transmitting the virus. The Under-Secretary-General discussed, *inter alia*, the support of

²² *Ibid.*, p. 24-25.

²³ *Ibid.*, p. 19-20.

²⁴ *Ibid.*, p. 13.

²⁵ S/PRST/2005/30.

²⁶ For more information on this discussion, see chap. VI, part II, sect. B, case 11 (a), with regard to relations with the Economic and Social Council.

²⁷ By resolution 1308 (2000) the Security Council expressed concern at the potential damaging impact of HIV/AIDS on the health of peacekeeping personnel.

Member States that had contributed to the success of the Department's AIDS programmes; the Department's strategy; cooperation between the Department, UNAIDS, the United Nations Population Fund (UNFPA), and the United Nations Volunteers; outreach projects that targeted local communities and a survey undertaken to assess the Department's training programme, which showed that awareness was high but support from the command structure was low. He emphasized the need to ensure that AIDS awareness was considered a command responsibility, moving beyond rhetoric to engagement at the highest levels. The Department focused not only on how to reduce the risk of HIV transmission, but also on training peacekeepers in gender awareness, human rights and child protection to enhance their ability to recognize and respond to sexual violence and exploitation. The Under-Secretary-General reiterated that addressing HIV/AIDS initiatives in peacekeeping should be a joint effort involving Member States, troop-contributing countries, the United Nations and host communities.²⁸

The Executive Director of UNAIDS stated that the Council had transformed how the world viewed AIDS through resolution 1380 (2000), which underlined that the spread of HIV/AIDS might pose a risk to stability and security. He expressed regret that, despite the implementation of large-scale programmes on HIV prevention and treatment, the threat posed by the AIDS epidemic remained high. He commended the achievements of the Department of Peacekeeping Operations in mainstreaming AIDS responses into every United Nations peacekeeping mission. He also noted that a small but growing number of defence, military and political leaders fully understood the need to address AIDS and had begun to make investments. However, strong leadership was required in the Council and in every single country in order to make the consideration of AIDS a part of core military business everywhere. He expressed the hope that the Council would make an explicit and time-bound goal, and ensure that peacekeeping missions were given the means to meet their responsibilities with respect to HIV.²⁹

Council members acknowledged the threat posed by AIDS to the stability, socio-economic development, and security of affected countries, and expressed support for the initiatives and recommendations of the

Department of Peacekeeping Operations and UNAIDS on the implementation of resolution 1308 (2000). The speakers, *inter alia*, called for a comprehensive international commitment, advocated stronger cooperation between the Department and UNAIDS and supported further expansion of HIV/AIDS prevention activities in uniformed populations more generally.

Several speakers commented on the role of the Security Council. The representative of Algeria stated that a comprehensive, unified and time-bound effort to combat HIV/AIDS should be devised and carried out by the General Assembly, given the limited mandate of the Council, and the actions of the Council needed to be fully integrated into a coordinated undertaking.³⁰ The representative of the Russian Federation, on the other hand, acknowledged the importance of addressing HIV/AIDS in the Security Council in the context of peacekeeping operations, given the exceptional urgency and complex nature of the problem.³¹

The representative of the United Kingdom asserted that while the meeting focused on HIV and AIDS in military and other uniformed services, there were links that could not be ignored among the issues of tackling AIDS in conflict and post-conflict situations and in humanitarian emergencies; AIDS, conflict and gender; and AIDS and fragile States.³²

The President (Greece) made a statement on behalf of the Council,³³ by which the Council, *inter alia*:

Reaffirmed its commitment to the full implementation of resolution 1308 (2000); also recalled the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on 27 June 2001;

Recognized that men and women in the uniformed services were vital elements in the fight against HIV/AIDS; welcomed the efforts by Member States to counter the spread of the disease;

Recognized that United Nations peacekeeping personnel could be important contributors to the response to HIV/AIDS;

Recognized that significant progress had been made in implementation of resolution 1308 (2000) but that many challenges remained; expressed its readiness to further promote and support the implementation of this resolution;

Welcomed regular briefings by the Department of Peacekeeping Operations and UNAIDS on the progress made;

²⁸ S/PV.5228, pp. 2-5.

²⁹ *Ibid.*, pp. 5-7.

³⁰ *Ibid.*, p. 8.

³¹ *Ibid.*, p. 9.

³² *Ibid.*, pp. 17-18.

³³ S/PRST/2005/33.

reaffirmed its intention to contribute, within its competence, to the attainment of the relevant objectives in the Declaration adopted at the twenty-sixth special session of the General Assembly in carrying out the Council's work, in particular in its follow-up to resolution 1308 (2000).

C. The maintenance of international peace and security: role of the Security Council in supporting security sector reform

Initial proceedings

Decision of 20 February 2007 (5632nd meeting): statement by the President

At its 5632nd meeting, on 20 February 2007,³⁴ the Security Council included in its agenda a letter dated 8 February 2007 from the representative of Slovakia addressed to the Secretary-General, which contained a concept paper for the open debate on the role of the Council in supporting security sector reform.³⁵

According to the paper, even though the United Nations system had been engaged in a wide range of security sector reform activities, it lacked a comprehensive, coherent and coordinated approach. The open debate was to provide the opportunity for the Council members and the wider membership of the United Nations to articulate their views and propose recommendations on the role of the Council in security sector reform. Defining the overarching objective as ensuring that the security institutions performed their statutory functions efficiently and effectively, the paper emphasized that security sector reform should guarantee national ownership; adopt a holistic approach that engaged non-military parts of the security sector and non-State actors; be context-specific and receive a long-term commitment that balanced institutional capacity, affordability and sustainability of programmes, sequencing, timing and flexibility. While the United Nations had a crucial role to play in security sector reform given its mandate, legitimacy, experience, and service on the ground, it required a common understanding and a

comprehensive policy framework. The immediate priorities for the United Nations were reaching consensus on a concept of security sector reform; determining an appropriate allocation of roles and responsibilities among the various United Nations entities; generating lessons learned, norms, standards, and best practices and establishing coordinating mechanisms within the United Nations system and with actors in partner countries.

Statements were made by all members of the Council³⁶ and the representatives of Afghanistan, Argentina, Australia, Canada, Cuba (on behalf of the Non-Aligned Movement), Egypt, Germany (on behalf of the European Union),³⁷ Guatemala, Honduras, Japan, the Netherlands, Norway, the Republic of Korea, the Sudan, Switzerland and Uruguay.

The Council also heard briefings by the Secretary-General, the President of the General Assembly, the President of the Economic and Social Council, and the Chairman of the Organizational Committee of the Peacebuilding Commission.

The Secretary-General said that peacekeeping operations were making progress in ensuring that peace agreements and disarmament, demobilization and reintegration contributed to the restoration of sustainable security. The operations had developed mediation capacities to support peace negotiations and elaborated comprehensive, system-wide integrated standards and programmes for disarmament, demobilization and reintegration. Emphasizing the importance of addressing the needs and perspectives of the State and the communities within it, the Secretary-General stated that United Nations efforts were focused on supporting national authorities in their efforts to establish sustainable security. Because of its universality and its legitimacy, the United Nations had a contribution to make, particularly coordinating many capacities within the system and engaging external

³⁴ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 11 (c), with regard to relations with the Economic and Social Council; chap. XII, part. I, sect. D, case 9, with regard to Article 2 (7) of the Charter; and chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

³⁵ S/2007/72.

³⁶ China was represented by its Assistant Minister for Foreign Affairs, Italy by its Under-Secretary of State for Foreign Affairs, Qatar by its Assistant Foreign Minister for Follow-up and Head of the Working Group on United Nations Security Council Questions, and Belgium by the Special Envoy of its Minister for Foreign Affairs.

³⁷ Albania, Bosnia and Herzegovina, Croatia, Iceland, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.