

**Security Council**

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**Letter dated 20 June 2005 from the Permanent Representative of Benin to the United Nations addressed to the President of the Security Council**

I have the honour to attach herewith the assessment of the work of the Security Council during the month of February 2005, under the presidency of Benin (see annex). The assessment was prepared under my responsibility, in consultation with other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

*(Signed)* Joël W. Adechi

## **Annex to the letter dated 20 June 2005 from the Permanent Representative of Benin to the United Nations addressed to the President of the Security Council**

### **Assessment of the work of the Security Council during the presidency of the Republic of Benin (February 2005)**

#### **Introduction**

During the month of February 2005, the presidency of the Security Council was held by Benin, represented by Rogatien Biaou, Minister for Foreign Affairs and African Integration, and by Joël Wassi Adechi, Permanent Representative to the United Nations. Under their presidency the Council completed a programme of work consisting mainly of public meetings, including one high-level public meeting with the participation of Ali Othman Taha, Vice-President of the Sudan, and of John Garang, Chairman of the Sudan People's Liberation Movement/Army, as well as a formal meeting devoted to the election of a judge of the International Court of Justice. The Council held 11 public meetings including two open debates and eight informal consultations.

The Council was seized with 10 reports, including the report of the Secretary-General on the Naivasha peace process containing proposals for the establishment of a peacekeeping operation in support of the implementation of the Comprehensive Peace Agreement signed by the Sudanese parties in the north-south peace negotiations under the auspices of the Intergovernmental Authority on Development (IGAD), the reports of the Secretary-General on small arms, on children and armed conflict and on cross-border issues in West Africa and the report of the International Commission of Inquiry on Darfur.

The Council adopted one resolution on the situation in Côte d'Ivoire and six presidential statements, respectively on the situation in the Middle East, on small arms, on Iraq and Kuwait, on children and armed conflict and on cross-border issues in West Africa.

#### **Africa**

##### **Côte d'Ivoire**

On 1 February, the Security Council adopted resolution 1584 (2005) on the United Nations Operation in Côte d'Ivoire (UNOCI) by which it authorized the Operation and the French forces which support it, within their capacity and without prejudice to their mandate set out in resolution 1528 (2004), to monitor the implementation of the measures of the arms embargo imposed on Côte d'Ivoire by resolution 1572 (2004). The Secretary-General was requested to create within 30 days and for a period of six months a group of experts consisting of no more than three members to analyse information gathered in the process of monitoring the measures and make recommendations on ways to improve their implementation. The resolution called upon the Ivorian parties to cooperate with UNOCI in establishing within 45 days a comprehensive list of armaments in the possession of their armed forces and of paramilitary troops and militias associated with them.

## Sudan

The situation in the Sudan was examined on 4, 8 and 16 February.

On 4 February, the Security Council held an open briefing followed by informal consultations on the report of the Secretary-General on the Naivasha peace process (S/2005/57). The report was issued on 31 January at the request of the Security Council to the Secretary-General to submit as soon as possible after the signing of the Comprehensive Peace Agreement recommendations on the size, structure and mandate of a United Nations operation that would be established in support of the implementation of the Agreement. In this framework, the Council was briefed by Jan Pronk, Special Representative of the Secretary-General and head of the United Nations Advance Mission in the Sudan. He emphasized the following points: the Sudanese parties should be congratulated for the wisdom and the statesmanship they displayed in reaching the Agreement and on succeeding in bringing the talks to a close by the end of the year in accordance with the commitment they gave at the meeting of the Security Council in Nairobi in November 2004. With the initialling of the agreements on 31 December 2004 and the signature of the Peace Agreement on 9 January 2005, the parties started the clock running on a demanding timetable that laid out the road map to the implementation of the Agreement according to a number of fixed milestones. The United Nations could not afford to lose any time in taking important decisions on implementation because pending and foreseeable problems were bound to increase if there was delay or disappointment in slow implementation.

During the consultations, Council members reached consensus on the principle of deploying a multidimensional United Nations mission to the Sudan, as recommended by the Secretary-General, and stressed the need to devise its mandate as a long-term operation.

On 8 February, the Council held a public meeting in the presence of the Secretary-General of the United Nations, the Vice-President of the Sudan, Ali Othman Taha, the Chairman of the Sudan People's Liberation Movement/Army, John Garang, as well as the Special Representative of the Chairperson of the Commission of the African Union in the Sudan, Baba Gana Kingibe.

The purpose of this high-level meeting was to give the Sudanese parties the opportunity to express their views before the Council considered the important decisions ahead concerning the north-south peace process and the situation in Darfur. On this occasion the President of the Security Council made on behalf of its members a statement stressing their commitment to the sovereignty, unity, independence and territorial integrity of the Sudan and their readiness to work on a resolution taking into account all aspects of the situation in the Sudan, including the deployment of a peace support operation, fully aware of the great responsibility the international community must assume in helping the Sudanese parties remain on the path they had chosen.

The President urged all parties to cooperate fully with the African Union mission and Vice-President Taha, appointed by the Government of the Sudan as the leader of its negotiating team in Abuja, to assume that responsibility with the same determination that he demonstrated during the north-south negotiations, and called on John Garang to use all of his influence in Darfur to ensure speedy progress in the Abuja talks.

Vice-President Taha stressed that the Comprehensive Peace Agreement addressed all aspects of the situation for the whole Sudan. The just and fair provisions agreed for powersharing and wealth-sharing had laid the necessary foundation for a comprehensive peace to prevail throughout the Sudan. He also explained its vision for speedy negotiations to put a swift end to the suffering of the people of Darfur. He called for increased international support for the Government's relief efforts, for enhancement of the authority, capacity and forces of the African Union, for effective disarmament programmes to be undertaken immediately as soon as the ceasefire is respected and for investigation of human rights violations and other crimes in Darfur.

The Chairman of the Sudan People's Liberation Movement/Army, John Garang de Mabior, made a statement which highlighted the following main ideas. The Comprehensive Peace Agreement ushered in a new era in the history of the Sudan, the region and Africa. The Peace Agreement established a one-country/two-systems model for a six-year interim period. At the end of this period the south would exercise its right to self-determination. The Peace Agreement would enhance the chances of a peaceful resolution in Darfur and eastern Sudan. The SPLM/A stood ready to offer its help so that a comprehensive peace agreement could be achieved for the whole Sudan. The linkage seen between the implementation of the North-South Peace Agreement and the resolution of the conflict in Darfur was irrelevant and counterproductive. It would lead to a scenario of a failed State in the Sudan, the scenario which the signing of the Peace Agreement was designed to avoid.

The Special Representative of the Secretary-General and Head of the United Nations Advance Mission, Jan Pronk, introduced the second report of the Secretary-General (S/2005/68) issued on 4 February on the situation in Darfur pursuant to resolution 1556 (2004). He depicted the dire humanitarian crisis prevailing in Darfur and the reasons for the persisting stalemate observed on the ground. He reiterated his proposals to render the talks more effective by delinking the security talks from political ones and by strengthening the powers of the ceasefire institutions. He commended the peace support force deployed by the African Union in Darfur. He called for an increase of its troops, as a third party force, and for close cooperation between the United Nations and the African Union.

The Special Representative of the Chairperson of the Commission of the African Union, Baba Gana Kingibe, welcomed the comprehensive proposals for the deployment of a United Nations peace support operation in the Sudan and proposed a united, unified approach. Mr. Kingibe stressed that the African Union was making every effort to accelerate the current programme of full deployment of the total strength of 3,320 troops by the middle of April 2005. He pointed out that the international community risked allowing the guilty to escape punishment simply because there was no consensus on the appropriate forum in which to prosecute the crimes.

On 16 February, the Council held an open briefing followed by closed consultations on the report of the International Commission of Inquiry on Darfur, established under its resolution 1564 (2004). The Secretary-General highlighted the findings of the Commission which recommended that the Security Council immediately refer the situation of Darfur to the International Criminal Court to ensure that those responsible for the heinous crimes were held accountable. He

urged the international community to find ways to halt the killing and protect the vulnerable.

The report of the Commission was introduced by the United Nations High Commissioner for Human Rights, Louise Arbour. She confirmed the findings of the International Commission of Inquiry, mainly that large-scale war crimes and crimes against humanity had been committed by Sudanese Government officials and by Janjaweed militias. She stated that there was evidence that war crimes and atrocities might have occurred, although there was no finding of a policy of genocide. A competent court should determine whether individuals ordered or participated in atrocities motivated by the genocidal intent to exterminate a protected group. She also stressed the view of the Commission that the referral to the International Criminal Court was the only credible way in which to bring alleged perpetrators to justice, and that it advised against other measures. Ms. Arbour concluded that the findings of the Commission irrefutably demonstrated that there was no hope for sustainable peace in Darfur without immediate access to justice and that it was imperative to rehabilitate Sudanese justice.

During the consultations, Council members examined ways and means to end impunity in Darfur. Most delegations endorsed the proposal to create a compensation committee in favour of the victims.

#### **Cross-border issues in West Africa**

The Council examined, under the presidency of the Minister for Foreign Affairs and African Integration of Benin, the progress report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa (S/2005/86), issued on 11 February. The meeting was held in the presence of the Secretary-General of the United Nations and of his Special Representative and Head of the United Nations Office for West Africa, Ahmedou Ould Abdallah, and the Special Adviser to the Executive Secretary of the Economic Community of West African States (ECOWAS), Ibrahima Diouf.

The Secretary-General made a contribution to the debate stressing his serious concern about the perpetuation and proliferation of conflict situations in West Africa, the grave security challenges, namely in volatile border areas, shocking levels of youth unemployment, requiring immediate and long-term action, taking into account the recommendations made in the progress reports which are directed to a wide range of players. He welcomed the constructive partnership that has emerged among ECOWAS, the United Nations and other actors, and renewed his commitment to working closely with the Security Council and others to improve the living conditions throughout the region.

Mr. Abdallah identified the institutional, methodological and doctrinal challenges on which his office focuses its action. Mr. Diouf highlighted three main strategic approaches to implement the instruments established by ECOWAS to prevent and combat cross-border problems. He stressed the importance attached to prevention as a major way to combat cross-border problems.

Besides Council members, eight non-Council members took part in the debate. The speakers suggested priorities for addressing cross-border problems substantially. They underlined the need to focus on combating the dissemination of small arms, reinforcing disarmament, demobilization and reintegration programmes,

and on the relevance to West Africa of the peacebuilding commission. They raised the question as to when the situation and the developments in a given country actually justified the involvement of the Security Council. They advocated closer cooperation between the United Nations and the regional and subregional organizations, the creation of job opportunities for a successful reintegration of former combatants, the reform of the security sector and the implementation of sanctions regimes in a regional approach.

At the end of the meeting the President read a presidential statement (S/PRST/2005/9) dated 25 February, in which the Council reiterated the need for a wider strategy of conflict prevention, crisis management and peacebuilding in the subregion, and called on Member States and key international partners to explore practical ways of assisting ECOWAS in enhancing its capacities in the areas of conflict prevention, peacemaking and peacekeeping. The Council recalled the African Union position on unconstitutional changes of Government and stressed the need to pay special attention to critical issues that had a direct bearing on efforts to enhance peace, stability and democratic governance in West Africa, such as security sector reform, challenges arising from volatile border areas and illicit cross-border activities, and to strengthen the capacities of the civil society groups working to promote a cross-border culture of non-violence and peace. The Council requested the Secretary-General to include in his next progress report practical recommendations on how best to tackle the problems of youth unemployment.

#### **Democratic Republic of the Congo/MONUC**

On 9 February, the Secretary-General sent a letter to the President of the Security Council about the response to allegations of sexual exploitation and abuse in the Congo, with the request to bring the information to the attention of the members of the Security Council. The Secretary-General renewed his personal outrage at the revelation of sexual exploitation and abuse of Congolese children and women by some United Nations personnel assigned to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). He outlined the basic policy of zero tolerance of sexual exploitation and abuse set out in the Staff Rules and Regulations and reinforced by administrative instructions, including his bulletin (ST/SGB/2003/13) entitled "Special measures for protection from sexual exploitation and sexual abuse". He presented the measures taken to investigate and to follow up the allegations registered, and urged Council members to assist in strengthening the capacity of MONUC to conduct self-monitoring and enforcement programmes.

On 28 February, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, during informal consultations held on the killings of nine United Nations peacekeepers from Bangladesh on 25 February, during an ambush by militia groups near Kafé in the Democratic Republic of the Congo. The assassination of the peacekeepers took place in a context of deterioration of the security situation in eastern Ituri, characterized by attacks by militia groups against civilians and incidents due to the aggressive attitude of some militia groups against MONUC.

## **Ethiopia and Eritrea**

On 15 February, the Security Council was briefed at informal consultations on the situation between Ethiopia and Eritrea by Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations. The reorganization of Ethiopian armed forces along the boundary with Eritrea was the main issue addressed.

## **Middle East**

### **The Israeli-Palestinian Summit in Sharm el-Sheikh**

The Security Council adopted a presidential statement (S/PRST/2005/6) dated 16 February in which it welcomed the Summit, held in Sharm el-Sheikh (Egypt) on 8 February, and the resumption of direct talks between the Prime Minister of Israel Ariel Sharon, and the President of the Palestinian Authority, Mahmoud Abbas. The Council called for the full respect by the parties of their commitments that all Palestinians would stop all acts of violence against all Israelis everywhere and that Israel would cease all its military activities against all Palestinians everywhere.

The Council recognized these understandings, along with other recent positive developments, as primary steps towards restoring confidence between the two parties, enhancing a new spirit of cooperation and promoting an atmosphere conducive to the establishment of peaceful coexistence in the region.

The Council also expressed its appreciation to President Hosni Mubarak of Egypt for the invitation to both parties to the Summit and to King Abdullah Bin Al Hussein of Jordan for his participation and welcomed the initiative of the Government of the United Kingdom of Great Britain and Northern Ireland in convening an international meeting in London, on 1 March, to support Palestinian efforts to prepare the ground for a viable Palestinian State.

### **The assassination of the former Prime Minister of Lebanon**

On 15 February, the Secretary-General and the Under-Secretary-General for Political Affairs briefed the Council on the terrorist bombing in Beirut on 14 February that killed the former Prime Minister of Lebanon, Rafik Hariri, and others. The Security Council adopted a presidential statement (S/PRST/2005/4) dated 15 February in which it condemned the act and called on the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of the bombing.

The Security Council underlined that such a terrorist act should jeopardize neither the holding of the upcoming parliamentary elections under transparent, free and democratic conditions nor the full implementation of all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.

The Security Council requested the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of this terrorist act. On 18 February, the Secretary-General informed the members of the Security Council about his decision to send a team to Beirut led by Peter FitzGerald (Ireland) to examine available evidence and conduct investigations regarding the assassination of former Prime Minister Hariri.

**The situation between Iraq and Kuwait**

On 16 February, the Security Council held a public meeting to hear a briefing by the Under-Secretary-General for Political Affairs, Kieran Prendergast, and the statement made by Mr. Sumaida'ie, Representative of Iraq, on the holding of three elections in Iraq on 30 January, for the Transitional National Assembly, 18 governorate councils and the Kurdistan National Assembly. Those elections were a first step on the path in Iraq's transition to democracy, as outlined in Security Council resolution 1546 (2004). Iraqis turned out despite many difficulties and attempts at violent disruption. The elections met recognized standards. Mr. Prendergast indicated that the overall level of participation showed the commitment of Iraqi people to the political transition process, although regional variations were significant. The key challenges for Iraq now were to form a new government and to draft a new constitution. It was important for the transitional government to find ways to improve the daily living conditions of Iraqis, by stepping up reconstruction, development and humanitarian activities.

The representative of Iraq hailed the success of the Independent Electoral Commission of Iraq and the Iraqi interim Government in organizing the elections and saluted the courage of those who contributed to such success. He expressed his appreciation for the active and supportive role of the multinational force, the United Nations Electoral Assistance Division, the United Nations agencies, and for the generous contributions of donor States. He acknowledged that there were some minor problems with the electoral process, but said they did not diminish the magnitude of the accomplishment. He expressed the hope that this achievement would be consolidated by the rapid removal of punitive measures and restrictions that were imposed on Iraq by the international community because of the reckless policies of the previous regime.

After the meeting Council members held informal consultations that successfully concluded with the adoption of a presidential statement (S/PRST/2005/5). The Security Council congratulated the people of Iraq on the successful elections of 30 January, and the historic moment for Iraq.

The Security Council appreciated the assistance given by the United Nations and other international actors, including European Union electoral experts. Recalling the important step remaining in the transition, the Security Council affirmed its continuing support for the Iraqi people and reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq. It stressed:

(a) The need for sustained political efforts aimed at making the next steps of the transition, in particular the coming constitutional process, as inclusive, participatory and transparent as possible;

(b) The need for the Transitional National Assembly of Iraq to reach out broadly to all segments of Iraqi society, with a view to promote genuine political dialogue and national reconciliation and to ensure that all Iraqis were duly represented and had a voice in the political process and the drafting of the Iraqi Constitution;

(c) The importance of Iraq's neighbouring countries and regional organizations in supporting the political process, cooperating with the Iraqi authorities to control transit across Iraq's borders and extending other support for the people of Iraq in their efforts to achieve security and prosperity.

The Security Council reaffirmed its support for a federal, democratic, pluralist and unified Iraq, in which there is full respect for human rights.

### **The monthly meeting of the Council on the situation in the Middle East**

The Security Council held its monthly open briefing followed by informal consultations on the situation in the Middle East on 22 February. In his presentation, Kieran Prendergast, Under-Secretary-General for Political Affairs, emphasized that the summit meeting in Sharm el-Sheikh had generated hope for progress towards peace between Israel and Palestinians. He said that the commitment of the parties to implement the understandings reached, and especially the announcement by the Government of Israel of its decision to release 900 prisoners and to withdraw from five West Bank cities, to halt punitive house demolitions, to reopen three crossing points into Gaza and steps taken by the Palestinian side to end violence would all contribute to the momentum. He said that strong support, both from Israel and from the international community, could be helpful for the President of the Palestinian Authority to prevail against those who favour violence.

He also noted that the London Conference to be hosted by the Government of the United Kingdom was intended to assess suitable mechanisms to help the Palestinians lay the groundwork for an independent State, and to offer an opportunity to provide the urgently needed funds for short-term assistance to ensure the financial stability of the Palestinian Authority.

At informal consultations Council members concurred with the analysis made during the open briefing. They welcomed the positive developments in the Israeli-Palestinian peace process and the decision of the Secretary-General to send to Lebanon a fact-finding team for the preparation of the report on the assassination of the former Prime Minister Hariri, as requested by the Security Council.

## **Europe**

### **Kosovo**

On 24 February, the Security Council held a public meeting to examine the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2005/88) in the presence of Nebojša Čović, President of the Coordination Centre of Serbia and Montenegro and of the Republic of Serbia for Kosovo and Metohija.

The report was introduced by Søren Jessen-Petersen, Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo. While presenting the conclusions of the technical assessment of the implementation of the standards, Mr. Jessen-Petersen highlighted the progress made and the challenges ahead, especially concerning security, institution-building, the accelerated transfer of competences to the Provisional Institutions, decentralization, the guarantee of the rights and freedom of movement of the minorities and the resumption of direct dialogue with Belgrade and the continuation of the regional dialogue with Tirana, Skopje and Podgorica. He recalled that a comprehensive review of standards was planned to take place in mid-2005, and should the review conclude that sufficient progress had been made, the international community should be prepared to embark on the process leading to talks on the

status of Kosovo. He stressed that there was agreement on the way forward to ensure, in the year 2005, peaceful coexistence and mutual tolerance among communities in a multi-ethnic, stable, tolerant and democratic Kosovo, at peace at home and at peace with its neighbours.

Mr. Čović deplored the situation of Kosovo Serbs in the province which he considered unacceptably poor due to the lack of protection of non-Albanian communities. He held any decision to open the question of the future status of Kosovo in these conditions to be inappropriate and stressed the need for the implementation of key provisions of resolution 1244 (1999). He considered decentralization as a crucial issue of security and the institutional transformation of Kosovo and Metohija.

The Council members shared the Secretary-General's assessment of the situation in Kosovo. They called for a full commitment of the Provisional Institutions of Self-Government to the Standards Implementation Plan to achieve concrete results by ensuring full participation of all Kosovo communities. There should not be any automaticity as to the start of talks on the final status. The members shared a strong sense of optimism and urged the Secretary-General and the Special Representative to stay the course and to keep pace in carrying out the comprehensive international strategy for concrete results, with the Security Council remaining in the lead. Many delegations spoke in favour of the suggested mission of the Security Council in Kosovo.

## **Asia**

### **Timor-Leste**

On 28 February, the Security Council examined the report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2005/99) issued on 18 February. While briefing the Council, Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor (UNMISSET), underscored the positive developments, such as the holding of the first elections since independence, the strengthening of relations with neighbouring countries, the approval of laws on foreign and domestic investments and the promulgation of the organic law of the Superior Council for Defence and Security, together with the organic law of the Council of State. Among the challenges facing the country, he mentioned the lack of training of the Border Police Unit, ongoing land-border demarcation negotiations, problems with corruption and the need to establish a culture of transparency and accountability.

Mr. Hasegawa suggested the retention of the 45 most critical international advisers after the expiration of the UNMISSET mandate. He commented on the problem of the prosecution of serious crimes involving 340 indicted people remaining abroad and welcomed the establishment by the Secretary-General of a Commission of Experts to assess the outcome of the two judicial processes in Jakarta and Dili, as well as to consider ways in which its analysis could be of assistance to the Truth and Friendship Commission, which Indonesia and Timor-Leste have agreed to establish. By his letter dated 24 February (S/2005/104), the Secretary-General informed the Council of the appointment of the following experts

to the Commission: Prafullachandra Bhagwati (India), Yozo Yokota (Japan) and Shaista Shameem (Fiji).

The Senior Minister and Minister for Foreign Affairs and Cooperation of Timor-Leste, José Ramos-Horta, expressed his disagreement with the reduced figures being proposed for continued assistance from the United Nations. He appealed for a final extension of the mandate of UNMISSET. He also briefed the Council on the joint efforts made with Indonesia to resolve some of the pending issues and on the Truth and Friendship Commission, emphasizing that the Commission would deal with the events of the past.

Council members as well as speakers from the wider United Nations membership commended the political wisdom and strategic vision of the Government and the people of Timor-Leste for their determination to solve outstanding issues. They recognized that assistance through a continued United Nations presence was needed to strengthen the foundations for stability in the country after the expiration of the mandate of UNMISSET. Some Council members stressed that the time had come for Timor-Leste to take increasing responsibility for the nation's future with the assistance of the international community.

## **Thematic debates**

### **Small arms**

On 17 February, the Security Council held an open debate on the report of the Secretary-General on small arms (S/2005/69) dated 7 February. Thirty-seven speakers took the floor, including Yoriko Kawaguchi, Special Assistant to the Prime Minister in charge of Foreign Affairs and former Minister for Foreign Affairs of Japan.

In introducing the report, Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, stressed the progress achieved in some key areas in the implementation of the recommendations made by the Secretary-General in his previous report on ways and means to cope with the question of the illicit trade in small arms and light weapons. Mr. Abe indicated that more needed to be done in a number of areas, namely, the links between illicit small arms and light weapons and the illicit exploitation of natural and other resources, greater support for the reintegration of former combatants into their communities, greater interaction between the Security Council and General Assembly on the issue and support for the establishment of the small arms advisory service. He called for a consensus on various substantive issues pending in the process of negotiating the draft international instrument to enable States to identify and trace illicit small arms and light weapons.

During the debate Council members and representatives of Member States reaffirmed their commitment to cooperate with the United Nations in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted in 2001. They stressed the need to mitigate the threat posed by the proliferation of man-portable air defence systems (MANPAD) to undesirable end-users. They called for:

(a) Effective export, import and transfer controls and their enforcement as the keystone to any successful efforts to mitigate the problems of illicit trade in small arms and light weapons;

(b) Effective disarmament, demobilization and reintegration programmes, including specific measures for the collection and disposal of illicit and surplus small arms and light weapons and for a regional approach in their implementation.

Some speakers stressed the need to bring under control the flow of ammunition and to adopt a policy of zero tolerance for smugglers. Some speakers supported the establishment of a group of governmental experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering. In addition to those measures which address the supply, particular attention should also be devoted to promoting a culture of non-violence in order to reduce the demand for small arms. At the end of the meeting the Council issued a presidential statement (S/PRST/2005/7) in which it called upon all Member States:

(a) To enforce all its resolutions on sanctions, including those imposing arms embargoes, and to bring their own domestic implementation into compliance with the Council's measures on sanctions;

(b) To continue to make available to the sanctions committees all relevant information on any alleged violations of arms embargoes and to take appropriate measures to investigate such allegations.

The Council further stressed the importance of a comprehensive international and regional approach to disarmament, demobilization and reintegration that is not limited to the political and security aspects of disarmament, demobilization and reintegration of former combatants, but addresses also its social and economic aspects, including special needs of child soldiers and women. It also requested the Secretary-General to update the Council on 28 February 2006, for its earliest possible consideration of the implementation of all the recommendations contained in his report entitled "Small arms" (S/2002/1053).

### **Children and armed conflict**

On 23 February, the Security Council examined in an open debate under the presidency of the Minister for Foreign Affairs and African Integration of Benin the report of the Secretary-General on children and armed conflict (S/2005/72) issued on 9 February. In preparation for the open debate, the Council held an "Arria Formula" meeting on 16 February chaired by Jean-Marc de La Sablière, the Permanent Representative of France to the United Nations.

During the open debate 34 speakers took the floor. The report of the Secretary-General was introduced by Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict. The United Nations Children's Fund was represented by Rima Salah.

Mr. Otunnu proposed a formal and structured compliance and enforcement regime to contribute to the protection of children in conflict situations. Mr. Otunnu underscored the gains yielded by efforts deployed over the last several years, which included increased global awareness of and advocacy for child protection and an international body of protection instruments and norms and the protection and well-being of children taken into account in all matters related to armed conflict

situations within and outside the United Nations. In order to end impunity, he urged the Council to undertake a four-pronged response by:

- (a) Deciding to impose concrete and targeted sanctions against the offending parties named in the monitoring lists;
- (b) Constituting a committee of the Council to review and monitor the imposition of specific sanctions for the protection of children exposed to conflict;
- (c) Demanding that the parties on the monitoring lists, working in collaboration with the United Nations field representatives, prepare within six months time-bound action plans to end the violations for which they have been named;
- (d) Endorsing the monitoring and reporting mechanism with a view to putting it into operation expeditiously.

He also presented the plan of action for establishing a comprehensive monitoring, reporting and compliance mechanism to provide for the gathering of objective, specific, reliable and timely information on violations committed against children. The information compiled should serve as a trigger for action and help redirect energies from the normative task of the elaboration of standards to the compliance mission of ensuring their application on the ground.

Ms. Salah stressed that the Security Council had the ability to take decisive action to protect children in situations of armed conflict by translating the commitments of international legal and other standards into action. In addition to developing effective monitoring and reporting procedures and an effective system of justice for children, she called for an urgent response to the crime of sexual violence and for action to stem the flow of small arms and light weapons, for the prevention of the recruitment of children in armed forces and for work to secure their release, demobilization, rehabilitation and reintegration.

The following high-ranking speakers contributed to the open debate: Asha-Rose Migiro, Minister for Community Development, Gender and Children of the United Republic of Tanzania; Pierre-André Wiltzer, High Representative for Security and Prevention of Conflicts of France; Itsunori Onodera, Parliamentary Secretary for Foreign Affairs of Japan; and Ibrahima Diouf, Special Adviser on Child Protection to the Executive Secretary of ECOWAS.

The speakers called for effective measures to put an end to the recruitment and use of children in armed conflict situations in violation of applicable international laws and the need to reintegrate child soldiers and to prevent them from becoming a factor in the recurrence of crises. They stressed that the “era of application” could be realistic if the implementation regime was based on cooperation among Governments, the United Nations system, international humanitarian agencies and local civil society actors. Further, the root causes of the phenomenon of child soldiers and the incentives for recruitment must be addressed and countered.

Most speakers expressed their support for the plan of action proposed by the Secretary-General to establish a comprehensive monitoring, reporting and compliance mechanism. Some speakers voiced their concerns about certain aspects of the plan of action, namely about possible unanticipated policy and resources implications of the proposed new thematic sanctions committee and the call for the

expansion of the duties of voluntarily funded programmes without the assurance that sufficient resources would be available.

At the end of the debate the Council issued a presidential statement (S/PRST/2005/8) in which it reiterated the crucial need for a systematic and comprehensive monitoring and reporting mechanism and its determination to ensure compliance and to put an end to impunity, in order to end the recruitment and the use of child soldiers in violation of applicable international law and other violations and abuses committed against children affected by armed conflict situations and promote their reintegration and rehabilitation. For this purpose, the Council started work on a new resolution with the aim of its early adoption and with due consideration of views expressed by United Nations Member States during the open debate.

### **Election of a judge of the International Court of Justice**

According to procedural explanations given by the President of the Council during the informal consultations held on 14 February, and in compliance with its resolution 1571 (2004), the Security Council held a formal meeting simultaneously with the General Assembly to elect a judge of the International Court of Justice in order to fill the vacancy which occurred on 11 February due to the resignation of Judge and former President of the Court, Gilbert Guillaume of France. As a result of the draw of lots to select two delegations to serve as tellers, the delegations of Denmark and Romania appointed Michael S. Christensen and Cosmin Onisii to perform as such. Ronny Abraham obtained 15 votes. After receiving from the President of the General Assembly the information that Mr. Abraham had obtained an absolute majority of the votes in the General Assembly, Mr. Abraham was declared elected as a member of the International Court of Justice for the remainder of the term of office of Judge Guillaume, that is, until 5 February 2009.