

**Security Council**

Distr.: General
7 January 2005
English
Original: Spanish

Note verbale dated 6 January 2005 from the Permanent Mission of Spain to the United Nations addressed to the President of the Security Council

The Permanent Mission of Spain to the United Nations presents its compliments to the President of the Security Council and has the honour to submit herewith the assessment of the work of the Security Council during Spain's presidency in September 2004 (see annex). The assessment was prepared under my responsibility following consultations with the other members of the Council.

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

Annex to the note verbale dated 6 January 2005 from the Permanent Mission of Spain to the United Nations addressed to the President of the Security Council

[Original: English]

Assessment of the work of the Security Council during Spain's presidency (September 2004)

Introduction

The Security Council had a busy programme of work in September 2004, with African issues taking a prominent role during the month.

On 22 September, the Security Council met at ministerial level to consider civilian aspects of conflict management and peacebuilding. The meeting was chaired by the Minister of Foreign Affairs and Cooperation of Spain, Miguel Angel Moratinos.

Africa

Burundi

On 3 September, after the consideration of the report of the Secretary-General on human rights and international humanitarian law violations in Ituri, the Security Council received a preliminary oral report on the ongoing investigation of the massacre committed in the refugee camp of Gatumba, Democratic Republic of the Congo, on 13 August. The investigation was conducted by the United Nations Operation in Burundi (ONUB), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Members of the Council, reaffirming their condemnation of this murderous attack on defenceless refugees, expressed their expectation that they would receive a final report on the investigation very soon. Members of the Council also expressed their concern at reports of ongoing violations of human rights and international humanitarian law in the Great Lakes region and at the widespread culture of impunity. They called on the Governments of the region to take all appropriate measures, with international assistance, to bring the perpetrators to justice and to put an end to impunity.

On 23 September, the Security Council held a private meeting with the President of Burundi, Domtien Ndayizeye, who informed Council members of the latest developments in Burundi, including the adoption of a draft Constitution by the National Assembly and the Senate on 17 September and the decision of the Transitional Government to hold a referendum on the draft Constitution on 20 October. Members of the Council encouraged President Ndayizeye to continue to work for a successful conclusion of the transition.

Côte d'Ivoire

On 29 September, the Security Council held informal consultations to consider the latest report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (ONUCI) (S/2004/697). The Special Envoy of the Secretary-General for

Côte d'Ivoire, Mr. Albert Tevoedjre, presented the report. Members of the Council took note with satisfaction of the resumption of the activities of the Government of National Reconciliation in accordance with the commitments made at the Accra III high-level meeting of 29 and 30 July 2004. However, members of the Council expressed their concern at the lack of progress in key sectors of the national reconciliation process in Côte d'Ivoire, just before the deadlines agreed to at the Accra III meeting. Members of the Council underlined that this lack of progress was not only holding back the peace process in Côte d'Ivoire, but was also detrimental to further progress in the subregion as a whole. Members of the Council called upon the President of Côte d'Ivoire, Laurent Gbagbo, to do everything in his power to ensure the revision of article 35 of the Constitution, as he committed to at the Accra meeting. They also called upon the Forces nouvelles to start as soon as possible, before 15 October, without preconditions, the demobilization, disarmament and reintegration process, which they agreed to at Accra. They stressed that all paramilitary and militia groups must also be disarmed. They exhorted the Ivorian members of Parliament to accelerate consideration of legislative reforms in the National Assembly, with a view to their adoption before the end of September, in particular, the law on the independent electoral commission. Members of the Council condemned the attacks against the United Nations Operation in Côte d'Ivoire (ONUCI) personnel and stated that those responsible for these attacks should be held accountable. Members of the Council expressed grave concern about the human rights situation in the country and looked forward to the upcoming report of the International Commission of Inquiry. Members of the Council recalled, in the strongest terms, that open, free and fair elections before November 2005, in accordance with the Ivorian Constitution, are the only possible path to a peaceful settlement of the crisis in Côte d'Ivoire.

Democratic Republic of the Congo

On 3 September, the Security Council held consultations to consider the report of the Secretary-General on violations of human rights and international humanitarian law that took place in Ituri, Democratic Republic of the Congo, between January 2002 and December 2003 (S/2004/573). The members of the Council expressed their appreciation for the detailed probe carried out by MONUC on the appalling events that took place in Ituri during the period under consideration. Council members noted that there had been some improvement of the situation in Ituri due to the action, in the first place, of the Artemis operation led by the European Union, and, afterwards, to the deployment of MONUC's Ituri brigade. However, they expressed concern for the fragile situation in the area and stressed the need for the National Transitional Government of the Democratic Republic of the Congo to continue its efforts to extend State authority and the rule of law in Ituri. The members of the Council reaffirmed the need to put an end to impunity and bring to justice those responsible for the massive violations of human rights and international humanitarian law perpetrated in Ituri between January 2002 and December 2003.

On 9 September, the Security Council held consultations to continue the consideration of the latest report of the Secretary-General on MONUC (S/2004/650), which contained a number of recommendations on the future mandate of the Mission. On 1 October, the Security Council unanimously adopted resolution 1565 (2004), in which, inter alia, it extended MONUC's mandate until 31 March

2005; requested the Secretary-General to arrange the rapid deployment of additional military capabilities for MONUC in accordance with his letter dated 3 September 2004 (S/2004/715); and authorized the increase of MONUC's strength by 5,900 personnel, including up to 341 civilian police personnel.

Ethiopia and Eritrea

On 2 September, the periodic report of the Secretary-General on Ethiopia and Eritrea was published (S/2004/708). Subsequently, the Security Council held informal consultations on 13 September, at which the Special Representative of the Secretary-General for Ethiopia and Eritrea, Ambassador Joseph Legwaila, presented the above-mentioned report. Council members reiterated their concern at the lack of progress in the peace process, urged Ethiopia to reaffirm its acceptance of the Boundary Commission's decision and called on Eritrea to carry out a dialogue and cooperate with the Special Envoy of the Secretary-General, Lloyd Axworthy.

Following the informal consultations, on 14 September, the Council unanimously adopted resolution 1560 (2004) presented by the German delegation, by which it extended the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE) until 15 March 2005, approved the adjustments to UNMEE (including its presence and operations as recommended by the Secretary-General in his report, paras. 13-18), and requested the Secretary-General to continue to monitor the situation closely and to review the Mission's mandate in the light of progress achieved in the peace process and the changes made to UNMEE.

Liberia

On 15 September, the Security Council held informal consultations to consider the latest report of the Secretary-General on the United Nations Mission in Liberia (UNMIL) (S/2004/725). The Special Representative of the Secretary-General for Liberia, Mr. Jacques Paul Klein, presented the report. Members of the Council welcomed the progress made in Liberia since the last report of the Secretary-General, underlined the need for further reform in the country and welcomed the increasing cooperation between UNMIL, the United Nations Mission in Sierra Leone (UNAMSIL) and ONUCI. On 17 September, the Security Council unanimously adopted resolution 1561 (2004), renewing the mandate of UNMIL until 19 September 2005.

Sierra Leone

On 16 September, the Security Council held informal consultations to consider the latest report of the Secretary-General on UNAMSIL (S/2004/724). The Special Representative of the Secretary-General for Sierra Leone, Mr. Daudi Ngelautwa Mwakawago, presented the report. Members of the Council welcomed the progress made towards the consolidation of peace in Sierra Leone, and stressed the need for the international community to continue to support the peacebuilding efforts in the country. On 17 September, the Security Council unanimously adopted resolution 1562 (2004), renewing UNAMSIL's mandate until 30 June 2005. In the resolution, the Security Council decided on the tasks of the residual UNAMSIL presence, which shall remain in Sierra Leone for an initial period of six months starting 1 January 2005.

The Sudan

On 2 September, the Security Council held an open briefing to hear the Special Representative of the Secretary-General for the Sudan, Mr. Jan Pronk, who presented the most recent report of the Secretary-General on the situation in Darfur (S/2004/703), submitted in accordance with resolution 1556 (2004). The Secretary-General attended the briefing. Mr. Pronk touched upon every aspect of interest in the situation in Darfur. He reiterated his concern at the grave humanitarian situation and the need to immediately receive all resources requested in the humanitarian appeal for Darfur. Regarding the situation, he enumerated 10 different areas where he asserted that the Government of the Sudan had made clear progress, but he also referred, with great concern, to two main priorities with which Sudanese authorities had failed to comply: to control and disarm militias and to bring impunity to an end. The open briefing was followed by informal consultations, where members had the opportunity to discuss with Mr. Pronk the different aspects of his briefing.

On 18 September, after 10 days of intense negotiations, at both the expert and the ambassadorial level, the Security Council adopted resolution 1564 (2004) on the situation in the Sudan. The resolution was adopted by 11 votes in favour and 4 abstentions. While recognizing the steps taken by the Government of the Sudan by lifting the administrative obstructions to the delivery of humanitarian assistance and broadening its cooperation with United Nations agencies, the Security Council declared its grave concern at the failure of the Government of the Sudan to fully meet its obligations as set out in resolution 1556 (2004) and the 3 July joint communiqué with the Secretary-General to improve the security of the civilian population of Darfur and deplored the recent ceasefire violations by all parties. In the same resolution the members also welcomed and supported the intention of the African Union to expand and extend its monitoring mission in the Darfur region and urged Member States to support the African Union in these efforts. It also called upon the Government of the Sudan and the rebel groups to work together to reach a political solution at the negotiations held in Abuja under the leadership of the African Union and President Olusegun Obasanjo of Nigeria; requested the Secretary-General to rapidly establish an international commission of inquiry in order to immediately investigate reports of violations of humanitarian law and human rights in Darfur by all parties, as well as to determine whether or not acts of genocide have occurred; and declared that the Council, in the event of the Sudan failing to comply fully with resolutions 1556 (2004) and 1564 (2004) (including as determined by the Council after consultations with the African Union, failure to cooperate fully with the expansion and extension of the African Union monitoring mission), shall consider taking additional measures as contemplated in Article 41 of the Charter of the United Nations.

On 24 September, at the request of President Obasanjo, acting as current chairman of the African Union, the Council held another open briefing. President Obasanjo, who welcomed the adoption of resolution 1564 (2004), reiterated his concern at the grave situation in Darfur, recalled the great need to resolve the humanitarian situation and confirmed the intention of the African Union to deploy an expanded mission as soon as possible.

On the morning of 30 September, the Security Council held informal consultations to hear briefings by the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, and the Special Adviser to the Secretary-General

for the prevention of genocide, Mr. Juan Mendez, on their recent trip to the Sudan. As they clearly stated, the purpose of their mission to the Sudan was not to determine whether crimes of genocide may have been committed, but rather to identify what steps needed to be taken to prevent further violations of human rights and international humanitarian law.

On the afternoon of the same day, the Council held a private meeting to hear the Minister for Foreign Affairs of Sudan, Mr. Mustafa Osman Ismail. He explained the evolution in the situation in Darfur, enumerated the steps taken by his Government in order to comply with resolutions 1556 (2004) and 1564 (2004), reiterated the intention of his Government to fully cooperate with the African Union in the expansion of the monitoring mission, and expressed his views about the Abuja and Naivasha peace processes.

Americas

Haiti

On 10 September, the Security Council held consultations, followed by an open meeting, on Haiti. The Special Representative of the Secretary-General for Haiti, Ambassador Juan G. Valdés, could not attend the meetings owing to the deterioration of the security situation in the country. The Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, replaced him. At the consultations, Assistant Secretary-General Annabi summarized the report of the Secretary-General of 30 August (S/2004/298) and updated its contents, explaining the deterioration of the security situation during the 10 days following its publication.

After the consultations, the Security Council held an open meeting at which the President read a presidential statement on Haiti. It called upon the international community to face the grave situation in Haiti. In addition to the deterioration of the security situation, the country had been seriously affected by Hurricane Ivan. The statement also recalled the need to send troops and police to implement Security Council resolution 1542 (2004).

Asia

Afghanistan

On 13 September, the Assistant Secretary-General for Peacekeeping Operations, Mr. Annabi, briefed the Security Council on the recent attacks against United Nations offices, non-governmental organizations and the Independent Human Rights Commission in Herat.

On 17 September, the Council adopted resolution 1563 (2004), extending the authorization of the International Security Assistance Force for a period of 12 months beyond 13 October 2004. The Council also recognized the need to strengthen the International Security Assistance Force and called upon Member States to contribute personnel, equipment and other resources.

On 28 September, the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, held an open briefing for the Council on the latest

developments in Afghanistan. He gave an update on the preparations for the presidential election on 9 October, including out-of-country voting. He also explained the election security plan that was developed by the secretariat of the Joint Electoral Management Body in close consultation with national security agencies, the International Security Assistance Force and the coalition forces.

The situation in the Middle East, including the Palestinian question

On 17 September, the Security Council was briefed by the Under-Secretary-General for Political Affairs, Mr. Kieran Prendergast, on the situation in the Middle East, including the Palestinian question.

The report included a bleak description of the situation in the region, characterized by more acts of violence and terrorism. It analysed such issues as Israel's planned withdrawal from Gaza, the road map, the Israeli settlements on the occupied territories, and the reform of the Palestinian Authority. It looked forward to the forthcoming meeting of the Quartet on 22 September 2004.

Lebanon

The Permanent Representative of Lebanon to the United Nations addressed identical letters to the Secretary-General and to the President of the Security Council on 30 August, regarding the Security Council draft resolution on Syrian-Lebanese relations (A/58/879-S/2004/699). The Permanent Representative of the Syrian Arab Republic to the United Nations also addressed identical letters to the Secretary-General and to the President of the Security Council on 1 September, on the same Security Council draft resolution (A/58/883-S/2004/706).

Security Council resolution 1559 (2004) was adopted on 2 September. Germany, France, the United States of America and the United Kingdom of Great Britain and Northern Ireland sponsored the resolution. The resolution was adopted by nine votes in favour and six abstentions. The Secretary-General of the Ministry of Foreign Affairs of Lebanon addressed the Security Council before the vote and called upon the Member States of the Security Council to withdraw the draft. In resolution 1559 (2004) the Security Council reaffirmed the call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon, called upon all remaining foreign forces to withdraw from Lebanon, calls for the disbanding and disarmament of all Lebanese and non-Lebanese militias, and requested the Secretary-General to report to the Security Council within 30 days on the implementation of the resolution.

Iraq

On 1 September, the eighteenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) (S/2004/693) was circulated in compliance with paragraph 12 of resolution 1284 (1999) of the Security Council.

On 7 September, in accordance with paragraph 30 of resolution 1546 (2004), the report of the Secretary-General on the United Nations Assistance Mission for

Iraq (UNAMI) was circulated (S/2004/710 and Corr.1). The report contained the principal events that occurred in Iraq since 5 August 2004, the process of the formation of the National Conference in August, the security requirements for UNAMI and United Nations activities in electoral assistance.

On 14 September, following the adoption of Security Council resolution 1546 (2004), the Special Representative of the Secretary-General, Ashraf Jehangir Qazi, as well as the Permanent Representative of the United States of America, Ambassador John Danforth, briefed the Security Council on UNAMI and the activities of the Multinational Force (MNF) in Iraq, respectively.

Ambassador Qazi assured Council members that UNAMI was committed to actively assist and support a fair and credible Iraqi electoral process. The extent and scale of its activity, however, would be determined by prevailing circumstances, including the security environment. Ambassador Qazi said that the international community must do all that was possible to assist the Iraqis and that every effort must be made to improve the security environment.

Speaking on behalf of the Multinational Force, the representative of the United States noted that elections were to be held no later than 31 January 2005. The assumption of governing authority by the Iraqi interim Government had marked the beginning of a new era. While the new Iraqi Government was widely supported by the public, the transfer had not meant an end of the challenges facing Iraq. Only the rule of law, backed by well-trained Iraqi forces, supported by a thriving infrastructure and economy and energized by a free and fair elections process could defeat those who wished to destabilize the country.

The chargé d'affaires of Iraq said that Iraqis were united in their determination to forge a federal, democratic and unified country, but that they needed the help of every Member State and of the United Nations to achieve those goals. The consequences of failure were too great, not only for Iraqis, but for the region and, indeed, the world. With the help of the United Nations and that of those generous Member States who had joined the process, he pledged to vindicate the goal of building a new Iraq, and he was confident of success. He urged the United Nations to increase its presence in Iraq.

Regarding the question of UNAMI's security structure, on 21 September, the Secretary-General addressed a letter to the President of the Security Council, informing the Council of his intention to create a security structure for UNAMI, including formed guard units.

On 27 September, the Presidency of the Security Council briefed its members on the meeting that the Minister for Foreign Affairs of Spain, as Chair of the Security Council, held on 21 September 2004 with the Troika of the Arab League (the Ministers for Foreign Affairs of Algeria, Bahrain and Tunisia), the Minister for Foreign Affairs of Iraq and the Secretary-General of the Arab League, at the request of the latter. The subject of the meeting was the political process in Iraq.

Western Sahara

On 24 September, the Permanent Representative of Morocco to the United Nations addressed a letter to the Secretary-General, enclosing an explanatory memorandum on the question of Western Sahara (S/2004/760).

Other issues

The Security Council met at ministerial level on 22 September to consider civilian aspects of conflict management and peacebuilding. The meeting was chaired by Minister for Foreign Affairs and Cooperation of Spain, Mr. Miguel Angel Moratinos. The Secretary-General of the United Nations, Kofi Annan, the Commissioner of the African Union for Peace and Security, Mr. Said Djinnit, the High Representative of the European Union for Common Foreign and Security Policy, Mr. Javier Solana, and the Secretary-General of the League of Arab States, Mr. Amre Moussa, participated in the discussion. At the end of the meeting, the Council adopted a presidential statement (S/PRST/2004/33).

Counter-terrorism

Committee established pursuant to resolution 1267 (1999) concerning Al Qaida and the Taliban

On 13 September, Ambassador Heraldo Muñoz, Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaida and the Taliban and associated individuals and entities, briefed the Council in accordance with resolution 1526 (2004). Ambassador Muñoz addressed the following three aspects:

1. Work of the Committee

The Committee has continued to work on the revision of the guidelines for the conduct of its work in order to adapt them to the provisions contained in its resolutions 1455 (2003) and 1526 (2004), with the intention of making them a useful instrument for the rationalization of its work and providing guidance to Member States when relevant Security Council provisions do not contain sufficient information. Eight new individuals and six new entities have been placed on the Committee's List since 25 May 2004. The Committee has also established an active working relationship with the Chairman of the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate.

2. Work of the Monitoring Team

The Monitoring Team has established a close and effective working relationship with the Committee and Member States. It has also supported the Committee in promoting the effective implementation of relevant resolutions and assessing the impact of the measures detailed in them. It has sent letters to 80 Member States seeking additional information on those entries where identifying information is missing or unsatisfactory and it has encouraged Member States to add new names to the List. The Team has also undertaken trips to the Libyan Arab Jamahiriya, Afghanistan, Pakistan, Egypt, the United Kingdom, Indonesia, Malaysia, the Philippines, Singapore, Saudi Arabia, the United Arab Emirates and Washington, D.C. Members of the Team have also made presentations on the work of the Team and the Committee to regional meetings in Asia and Africa.

On 31 July, the Analytical Support and Sanctions Monitoring Team submitted its first written report to the Sanctions Committee (S/2004/679) in accordance with paragraph 8 of resolution 1526 (2004). The first report set the stage for the Team's subsequent work, laying out the background for its future findings, summarizing the

activities it has undertaken to date and describing how it intends to proceed with its future work.

3. Priorities for the future work of the Committee include:

- Further improving the quality of the List.
 - Focusing more closely, through the activities of the Monitoring Team, on the results of sanctions enforcement activities of Member States, with a view to detecting the problems that they face in implementing them.
 - Boosting the Committee's work in the area of de-listing and exceptions pursuant to resolution 1452 (2002).
 - Continuing to support visits by the Chairman and by members of the Security Council, the Committee and the Monitoring Team.
 - Listening more attentively to all United Nations Member States and providing them with the opportunity to share their views and concerns, so that they can receive the needed assistance. In that connection, the written assessment of the reports submitted to the Committee by over 130 States pursuant to resolution 1455 (2003) will be completed in the next 120-day period.
 - Increasing cooperation and coordination with the Counter-Terrorism Committee and its Executive Directorate, the Committee established pursuant to resolution 1540 (2004) and all international agencies or organizations that have accumulated experience and specialized expertise in the fight against terrorism.
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