



PERMANENT MISSION OF
JAMAICA TO THE UNITED NATIONS

**ISSUES BEFORE THE UNITED NATIONS
SECURITY COUNCIL DURING
JAMAICA'S PRESIDENCY
JULY 2000**

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ISSUES BEFORE THE SECURITY COUNCIL
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Introduction

This brief is intended to cover the issues/situations before the Security Council during Jamaica's Presidency in July 2000. However, it cannot be exhaustive of all issues/situations of which the Council is seized and, therefore, will detail only those issues/situations which are of greater complexity and those which are expected by their circumstances most likely to be discussed during July. The issues/situations briefed herein fall into five categories:

1. Those issues/situations which are scheduled for review during July, because a Security Council mandate expires during the period, or for which reports by the Secretary General are due pursuant to a resolution or other directive of the Council and on which the Council needs to be periodically updated.
2. Those issues/situations on which the Council remains actively seized because of constantly changing circumstances and ongoing conflicts, which require the immediate attention of the Council. These include some issues/situations where the United Nations is engaged in peace-making and/or peace-keeping and peace-building operations; where there exist considerable political and/or

security instability; and where frequent briefing and monitoring are required by the Council.

3. Those issues/situations, other than those in paragraph 2, above, in which the United Nations is either engaged, including in support of peace-making, post-conflict peace-keeping and/or peace-building operations and where there may be political and/or security instability.
4. Those issues/situations in which the Council is actively engaged; which do not present an immediate crisis situation; on which certain members of the Council hold strong political positions, and which do not otherwise fall into any of the other categories.
5. The thematic issues, which Jamaica has identified as important to the work of the Council and has, therefore, included them on the agenda for open debates.

The issues, which fall into the first category, are:

- a. *Expiring mandates:*¹
 - the United Nations Military Observers in Prevlaka (Croatia) (UNMOP), mandate expires July 15, 2000;

¹ The Secretary-General will report on all expiring mandates and these reports will be before the Council for discussion.

- the United Nations Observer Mission in Georgia (UNOMIG), mandate expires on July 31, 2000;
- the United Nations Mission for the Referendum in Western Sahara (MINURSO), mandate expires July 31, 2000;
- The United Nations Interim Force in Lebanon (UNIFIL), mandate expires on July 31, 2000.

b. Reports of the Secretary-General which are due for discussion in July are on the following:

- the United Nations Peace-Building Support Office in the Central African Republic (BONUCA), due by 30th June;
- the United Nations Post-Conflict Peace Building Support Office in Guinea-Bissau (UNOGBIS), due by 30th June;
- the United Nations Office in Angola (UNOA), due by 13th July;²
- the conflict between Ethiopia and Eritrea and on the humanitarian situation in both countries, due by 17th July;³
- The United Nations Transitional Administration in East Timor (UNTAET), due by 25th July.⁴

² *The situation in Angola will be discussed under the second category (section II.A.1.a.).*

³ *The conflict between Ethiopia and Eritrea will be discussed under the second category (section II.A.1.c.).*

⁴ *The situation in East Timor will be discussed under the third category.*

The issues/situations in the second category are:

a. *Africa:*

- Angola;
- Democratic Republic of the Congo (DRC);
- Ethiopia/Eritrea;
- Sierra Leone.

b. *Asia & Pacific:*

- Afghanistan;

The third category of issues/situations include:

a. *Africa:*

- Somalia;
- Sudan.

b. *Asia & Pacific:*

- East Timor.

c. *Europe:*

- Kosovo.

The fourth category includes all the issues concerning Iraq:

- the sanctions regime;
- the humanitarian situation;
- United Nations Monitoring, Verification and Inspection Commission (UNMOVIC);
- Kuwaiti and third countries missing persons and Kuwaiti property taken by Iraq;

The fifth category includes the thematic issues of:

- Children and Armed Conflict;
- Conflict Prevention.

Detailed issue papers on these thematic issues are presented under separate cover.

A summary of the current status of the foregoing issues are provided herein with detailed chronological background to follow.

Issue Briefs

I.A. Issues/situations scheduled for review during July – mandates expire

Unless there are significant occurrences involving the situations in either the Prevlaka peninsula, Croatia, or in the Georgia-Abkhazia dispute, renewals of the mandates for UNMOP and UNOMIG can be expected to be approved routinely by the Council, likely without debate. On the other hand, the issue of MINURSO is likely to be contentious, and extensive debate may result. The stability of the situation following the withdrawal of Israel from southern Lebanon could determine the level and outcome of debate over the UNIFIL mandate.

I.A.1. United Nations Military Observers in Prevlaka (UNMOP)

Although the issue of the territorial dispute between Croatia and the Former Republic of Yugoslavia (FRY) over the Prevlaka peninsula remains unresolved, there has been some progress in recent months between the parties in reducing the level of tension heretofore existing. The last report of the Secretary-General issued in January 2000 noted the progress made in demilitarising the demilitarised zone. The Council at that time urged the parties to continue negotiations on the status of the peninsula claimed by Croatia as a natural part of its territory. Because of its strategic geographical location, the FRY is not expected to relinquish its claim to the territory and is pushing for a complete demilitarised peninsula, a position, which Croatia has not given any inclination of accepting.

The last action taken by the Council on this issue was the adoption of resolution 1285 (2000) on 13 January 2000, extending the UNMOP mandate. The decision by the Council was taken without much debate of the issue. When the mandate comes up for renewal on July 15, 2000, the Council can be expected to act in like manner.

I.A.2. United Nations Observation Mission in Georgia (UNOMIG)

There is little indication that progress is being made in reaching agreement on the situation in the Abkhazia province of Georgia. Despite a number of reports of minor violations in the border area, there is, however, general satisfaction with the security situation. The future status of Abkhazia, a yet undetermined level of autonomy, is being pursued in the negotiations

Although the Council is briefed periodically on the security developments and on progress, if any, on the peace process by the Secretary-General, the members of the Council generally do not engage in much discussion of the issue. The Russian Federation, on the other hand, a major contributor to the peacekeeping forces with a lead role in facilitating the peace process, uses these opportunities to update the Council on new developments. On January 31, 2000, when the Council adopted resolution 1287 (2000) extending UNOMIG's mandate, there was very little debate on the issues. Similar treatment of the issue in the Council can be expected in July, unless there is a crisis situation develops in the region

or there is a breakthrough in the peace process that requires a change in UNOMIG's mandate.

I.A.3. United Nations Mission for the Referendum in Western Sahara (MINURSO)

On 31 May 2000, the Security Council adopted resolution 1301 (2000) which extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for a two month period. The Secretary-General recommended a two-month extension, instead of the usual six-month extension, to allow for a report from his special envoy, James Baker III, the former US secretary of state, who was engaging in discussions with the parties to the dispute - POLISARIO (representing the people of Western Sahara) and Morocco (which claims the former Spanish colony as a part of Morocco).

The Council was unable to achieve a consensus on the resolution due to the fact there was a provision which could be interpreted as endorsing an alternative to the approved Settlement Plan for Western Sahara. The resolution in effect gave Baker broad latitude to pursue alternatives to the Settlement Plan. Under the Settlement Plan, which both POLISARIO and Morocco had accepted, the United Nations is responsible for identifying and registering the people of Western Sahara and for conducting a referendum to determine its political status. The right of the people of Western Sahara to self-determination is guaranteed under the Settlement Plan. The resolution that was adopted left open the possibility

that Baker could suggest alternatives to the Settlement Plan that would effectively deny that right, which would be unacceptable to POLISARIO.

From informal reports, it appears that Morocco has been primarily responsible for the lack of progress in the identification and registration process. An appeals process that could take years to complete has stalled MINURSO's mandate. Instead of self-determination and independence for Western Sahara, it appears that Morocco is in favour of some form of autonomy status for Western Sahara, which is unacceptable to POLISARIO. Failure to resolve the issue of self-determination could lead to a return to armed conflict.

During the debate on the resolution, Jamaica argued for changes in the resolution, which would have protected the integrity of the Settlement Plan. Jamaica argued that all possibilities within the framework of the Settlement Plan should first be exhausted before any alternative could be considered. Further, such alternatives should only be considered after it had been reported to the Council that it was impossible to implement the Settlement Plan and the Council had made its own findings to that effect. Although this position was supported by a number of Council members, the resolution, which was strongly supported by France and the United States, was adopted. Of the fifteen members on the Council voting on the resolution, Namibia voted against, and Jamaica and Mali abstained.

When Baker's report is received in July and the mandate is before the Council for renewal, it is expected that there will be a full discussion of the Settlement Plan. It is also possible that those who support Morocco's position may attempt to derail the Settlement Plan and push for an alternative.

I.A.4. United Nations Interim Force in Lebanon (UNIFIL)

On April 19, 2000, the mandate for the United Nations Interim Force in Lebanon (UNIFIL) was before the Council for renewal. At that time, the Council issued a Presidential Statement⁵ which, *inter alia*, welcomed the notification by Israel of its intention to withdraw its forces from southern Lebanon in full accordance with resolutions 425 (1978) and 426 (1978). While bearing in mind that the occupation of Lebanon by Israel had been continuous since 1977, and the fact that Israel heretofore had failed to abide by the relevant Security Council resolutions, the Council welcomed this new development and endorsed the recommendations of the Secretary-General to send his Special Envoy to the area to facilitate the role of UNIFIL in Israel's withdrawal. This action by the Council was in keeping with the mandates of the relevant resolutions and was approved without debate.

Israel's decision to withdraw its forces well in advance of the appointed date caused a flurry of activities in the Council which had to act without delay in approving further action by the Special Envoy. Under resolutions 425 (1978) and 426 (1978), the United Nations is required to demarcate the international border

⁵ *Presidential Statement on the situation in the Middle East, S/PRST/2000/13.*

between Israel and Lebanon and to certify the withdrawal of Israel. This certification is a pre-condition to the Council acting on UNIFIL's future mandate in the region.

The report of the Special Envoy – the Secretary-General's report – was presented to the Council on 16 June 2000. At that time, the Secretary-General personally appeared before the Council and advised that he had concluded that Israel had completed its withdrawal from Lebanon in accordance with the relevant resolutions. Lebanon's challenge of this conclusion resulted in the Council being deadlocked over a period of two days before endorsing the Secretary-General's report. Because UNIFIL's current mandate actually expires on July 31, 2000, discussions and final action on the renewal of the mandate will be before the Council during Jamaica's presidency in July.

Lebanon's challenge to the Secretary-General's certification stemmed from the fact that Israel had what could be characterised as minor incursions across the withdrawal line after 16th June. There also remains the issue of the unresolved status of the Sha'ba Farms region, although this issue was not raised by Lebanon in the context of its objection. As far as the UN is concerned the Sha'ba Farms, which is under the UNDOF mandate, is a part of Syria and not a part of Lebanon as claimed by the Lebanese government. This is also the position of the Hezbollah armed forces, which has been fighting Israel in southern Lebanon for over twenty years. It is hoped that Lebanon will not press its claim to the

Sha'ba Farms and that Hezbollah will abide by Lebanon's decision. Syria's acceptance of this status, however, is more likely to affect Hezbollah's decision. In view of Syria's strong influence over Lebanon and Hezbollah, the untimely death of President Hafez Assad of Syria could complicate the peace process in Lebanon and the rest of the region. In view of the foregoing unresolved issues it is difficult at this time to pre-determine with any degree of certainty how the issue will evolve in the Council in the next month.

I.B. Issues/situations on which Secretary-General's reports are due and will be discussed during July

Although reports on situations in Angola (UNOA), East Timor (UNTAET) and between Ethiopia and Eritrea are also due in July, along with reports on the Central African Republic (CAR) and Guinea-Bissau, only the CAR and Guinea-Bissau are discussed in this section. Angola, East Timor and Ethiopia-Eritrea are discussed elsewhere. The United Nations involvement in both the CAR and Guinea-Bissau may be regarded as successes for the United Nations as both countries are now engaged in peace-building efforts.

I.B.1. United Nations Peace-Building Support Office in the Central African Republic (BONUCA)

The United Nations Peace-building Support Office in the Central African Republic The Secretary-General established (BONUCA) for a period of one year, beginning on 15 February 2000. Its principal mission – peacebuilding – is support of the Government's efforts to consolidate peace and national reconciliation, strengthen democratic institutions and facilitate the mobilisation at the international level of political support and resources for national reconstruction and economic recovery. The office is also tasked with monitoring developments in and promoting public awareness of human rights issues.

The decision to establish BONUCA came as a result of the successful completion of the peacekeeping operations of the United Nations Mission in the Central African Republic (MINURCA). There had been significant progress in the

implementation of the Bangui Agreement (the peace agreement) and the situation in the Central African Republic (CAR) had stabilised. MINURCA played an important role in the restoration of peace and security in the CAR, and provided tangible support to the Government for the holding of free and fair legislative and presidential elections, the restructuring of the security forces, the training of the police force and the launching of vital reforms in the political, social and economic fields.

The final action taken by the Council on the CAR was the adoption of a Presidential Statement,⁶ on 10 February 2000, in which the Council acknowledged the work done by MINURCA and the Secretary-General's Special Representative. The Council welcomed the decision of the Secretary-General to establish BONUCA and urged the international community to support the peace-building efforts of the CAR.

I.B.2. United Nations Post-Conflict Peace-Building Support Office in Guinea-Bissau (UNOGBIS)

The Security Council last met on 29 March 2000 to receive the Secretary-General's report on the situation in Guinea-Bissau. The peace process had advanced quite successfully with the holding of two rounds of elections resulting in a democratically elected Government in Guinea-Bissau. With the democratic process taking hold in the country attention had turned to consolidating those gains and moving forward with the peace-building process under the United

⁶ *Presidential Statement on Guinea-Bissau, S/PRST/2000/11.*

Nations Post-Conflict Peace-Building Support Office in Guinea-Bissau (UNOGBIS). The results achieved in Guinea-Bissau marks this as a United Nations' success story.

Despite the progress made so far in the democratisation process, there remain serious challenges facing the country in terms of reconstruction and economic development. The Secretary-General, in his report to the Council⁷ emphasised that sustained support of the international community was crucial for the consolidation of the progress achieved so far. During discussion of this issue, Jamaica stressed the importance of poverty eradication in an effort to sustain the peace-building process and noted that commitment to the goals of peace and security must be matched by a plan to foster economic growth and sustainable development in the long term. In this regard, Jamaica encouraged the international community, notably the United Nations system, including the Bretton Woods institutions, to respond with an integrated approach to the peace-building process.

⁷ *Report of the Secretary-General of 24 March 2000 on developments in Guinea-Bissau, S/2000/250.*

II. Situations of constantly changing circumstances and on-going conflicts

II.A. Africa

Issues dealing with conflicts in Africa of which the Council is seized include the conflicts in Angola, Democratic Republic of the Congo, and Sierra Leone, and the conflict between Ethiopia and Eritrea. The Council has engaged in extensive discussions, intercessions and decision-making in recent months in efforts to resolve these issues and advance peace and security in Africa. These issues are expected to remain at the top of the Council's agenda throughout July.

II.A.1 Angola

a. UNOA

The United Nations Office in Angola (UNOA), established pursuant to resolution 1268 (1999) of 15 October 1999, provides a UN presence in Angola. Included in its mandate are the promotion of peace, national reconciliation, human rights, and regional security. The latest report of the Secretary-General on the situation in Angola⁸ highlighted, *inter alia*, continued deterioration in the humanitarian situation in Angola, particularly along its borders with Namibia and Zambia; increase in the number of internally displaced persons; attacks on the civilian population and humanitarian organisations; increased accidents from landmines, particularly involving women; decline in basic socio-economic benefits for the

⁸ Report of the Secretary-General, S/2000/304 of 11 April 2000.

majority of the population; and pointed to UNITA as bearing the responsibility for the continued instability in Angola.

The report also indicated that the Government of Angola had announced plans for the holding of elections and had hinted at amnesty for those who abandoned the use of force as a means of attaining power and, instead, participate in the political process. The report further noted that UNOA would concentrate its activities on capacity building in the fields of human rights and humanitarian assistance. On recommendation of the Secretary-General, the Council, on 13th April, adopted resolution 1294 (2000) extending UNOA's mandate until 15 October 2000.

b. UNITA Sanctions

The Council, in an effort to improve the effectiveness of the measures imposed on the *Uniao Nacional Para a Independencia Total de Angola* (UNITA), pursuant to resolutions 864 (1993) of September 1993, 1127 (1997) of 28 August 1997, 1173 (1998) of 12 June 1998, and 1237 (1999) of 7 May 1999, adopted resolution 1295 (2000) on 18 April 2000, which, *inter alia*, approved a number of recommendations to improve the enforcement of the sanctions regime and to put on notice those engaged in sanctions busting.

The resolution also requested the Secretary-General to establish a monitoring mechanism composed of five experts for a period of six months tasked with the

collection of information; investigating and documenting sanctions violations; reporting periodically to the Sanctions Committee; and filing a written report on its findings by 18 October 2000. In addition, the Council expressed its readiness to take appropriate measures against any person, entity or state, which is determined to be in violation of the sanctions regime. This latter provision is an effort by the Council to establish and enforce the principle that all states are required to abide by the resolutions of the Security Council as well as to demonstrate that the Council is prepared to take appropriate action to enforce its resolutions.

This resolution reflected a number of recommendations from the report of the expert panel established to investigate and report on the effects of sanctions imposed on UNITA.

Jamaica, in supporting the resolution, stated that it was important that a strong message be sent to all concerned, that breaches of the Council's resolutions would not be without consequences. Jamaica also noted that those who aided and abetted UNITA in its war against the people of Angola also shared in the guilt for the humanitarian tragedy of the Angolan people. Further, by adopting this resolution, the Council was indicating to the international community that it strongly repudiated the actions of UNITA's leader, Jonas Savimbi.

II.A.2. *Democratic Republic of the Congo*

Despite the repeated pronouncements by the Council, that the Lusaka Peace Agreement remains the only viable option for achieving peace in the Democratic Republic of the Congo (DRC), a series of repeated cease-fire violations have contributed to the delay in the deployment of Phase II of the United Nations Organisation Mission in the Congo (MONUC). These repeated violations further threaten the whole future of United Nations involvement in the DRC. Under MONUC's mandate the United Nations is expected to deploy up to 5,537 military personnel, including up to 500 military observers.⁹

As a condition of the decision to deploy the Secretary-General must first determine that MONUC personnel can carry out their functions in conditions of adequate security and with the firm co-operation of the parties. Despite having received such assurances from all of the parties, repeated violations of the cease-fire agreement have frustrated the efforts of the Council to move forward with MONUC's deployment. The freedom of movement of MONUC also has been severely hindered by the DRC government and as well as by rebel groups.

One major concern of the Council was the repeated clashes between the armed forces of Uganda and Rwanda in and around Kisangani, a city in the eastern sector of the DRC. There have also been repeated cease-fire violations by the DRC government forces against rebel groups under the influence and/or control of either Uganda or Rwanda. The latest clashes between Uganda and Rwanda,

which occurred over a six period in June, resulted in the deaths of some 600 civilians, thousands of injuries and destruction of some seventy percent of the city. It was estimated that some 6,000 artillery shells were exchanged between the two armies. These clashes between Uganda and Rwanda occurred despite a series of cease-fire agreements and the personal assurances given by the heads of governments of both countries to the Secretary-General and the Security Council. Their behaviour did not allow for much confidence and the Council repeatedly condemned the cease-fire violations and, along with the Secretary-General, engaged in direct discussions with the heads of governments and their representatives. As of the preparation of this brief, Uganda and Rwanda had signed an agreement to stop fighting and withdraw from Kisangani, thereby creating a demilitarised zone in the area.

In further efforts to gain the commitment of all parties to the conflict and to demonstrate also the Council's commitment to the peace process, a Security Council Mission visited all of the countries in the region from 2 May 2000 to 8 May 2000. At that time, all of the parties gave assurances of their commitment to the Lusaka peace process. Subsequent actions of the parties, particularly, Uganda and Rwanda, and also of the government of the DRC, belie their statements of support for Lusaka.

The Council, in recognising that many of the conflicts in Africa are fuelled by the illegal exploitation of the natural resources of the countries concerned, adopted a

⁹ Resolution 1291 (2000) of 24 February 2000.

Presidential Statement,¹⁰ which requested the Secretary-General to establish an expert panel on the illegal exploitation of natural resources and other forms of wealth of the DRC. This is of particular importance, especially in view of the fact that the forces of Uganda and Rwanda have often been reported to be fighting for control over the resource rich eastern area of the DRC. In Rwanda's case, however, there is the problem of that country's security as the Interhamwe and ex-Far rebel groups have used DRC territory to wage war against Rwanda. Bearing in mind that these are the forces that were responsible for the genocide in Rwanda in 1994, the issue of Rwanda's security concerns must be taken into consideration when dealing with the DRC. There have been credible reports that the DRC government has been arming the Interhamwe and they have in turn been fighting alongside the DRC's army.

In addition the DRC government has demonstrated a total lack of support for the Inter-Congolese Dialogue under the Facilitator, Sir Ketumile Masire, former President of Botswana. This has been a matter of great concern to the Council as the inter-Congolese dialogue is considered an extremely important element of the Lusaka Agreement. In essence, the peace process rests on two pillars: cessation of hostilities and political dialogue. The importance of the political dialogue cannot be overemphasised. A series of actions by the DRC government over a period of time to impede the progress of the political dialogue has culminated in the closing of the office of the Facilitator in Kinshasa on 21st June. The week before, President Kabilla had announced that he had no

¹⁰ *Presidential Statement on Illegal exploitation of natural resources, S/PRST/2000/20.*

confidence in the Facilitator and had asked the OAU to appoint another. Before that, the government of the DRC had refused to send its own representatives to a preparatory meeting convened by the Facilitator in Cotonou, Benin on 6 June 2000, and also refused to approve travel permits to members of DRC civil society and opposition political groups wishing to attend. Kabilla's actions against the Facilitator raise serious doubts about his commitment to the process. The Council has consistently expressed strong endorsements to the Facilitator and the inter-Congolese dialogue, the latest in its resolution 1304 (2000) of 16 June 2000.

In the meantime, the humanitarian situation in the DRC continues to deteriorate, and humanitarian personnel have not been accorded unimpeded access to those in need. All parties to the conflict, to some extent, are responsible.

Members of the Council are of the view that additional pressure should be exerted on all the parties to comply fully with the terms of the Lusaka Peace Agreement. In furtherance of this objective, members of the Council held discussions and consultations at the United Nations on June 15 and 16 with all of the members of the Political Committee of the Lusaka Peace Agreement. The discussions took place in the context of public and private meetings of the Council as well as informal contacts with Council members. The Political Committee, which is comprised of representatives of all government and rebel groups parties to the Lusaka Peace Agreement, renewed their commitment to

the peace process, including the inter-Congolese dialogue. These meetings, which were aimed at providing yet another opportunity for the parties to pledge their commitment and full co-operation, also further demonstrated the Council's commitment to Lusaka. The Secretary-General is unlikely to carry out the mandate to deploy unless he is satisfied that all conditions are right. MONUC's current mandate will expire on 31 August 2000.

II.A.3. Ethiopia and Eritrea

Although the conflict between Ethiopia and Eritrea was not on the agenda for review by the Council prior to the outbreak of hostilities in early May, certain members of the Council, including Jamaica, had expressed concern over reports that both countries had been building up their armed forces amid indications of a possibly outbreak of violence and possibly outright war. There was also concern, that by re-arming, both countries were diverting scarce resources away from dealing with the impending famine in their countries.

The Council failed to discuss the issue and instead deferred to certain delegations, particularly the United States, and to some extent the United Kingdom, that were engaged in national diplomatic efforts with both parties to encourage dialogue. Both the US and UK insisted that it would be prudent for the Council to await the outcome of the talks which were being undertaken under the auspices of the Organisation for African Unity (OAU). It was argued by some, however, that delay by the Council in dealing with this matter could send

the wrong message. In the end the Council took no concrete action, even though the UK highlighted the possibility of a war erupting in the near future.

Action by the Council was limited to strong support given in a statement to the press by the President of the Council on 26th April of the decision of the OAU Chairman¹¹ to establish an early starting date for proximity talks in Algiers. In the statement Council members expressed their support for the talks and urged the parties to resolve their differences through peaceful means.

It became apparent, however, at the beginning of May that the two countries were on the verge of war and the Council acted quickly to approve a mission to Addis Ababa and Asmara to intercede with the heads of governments. The Security Council Mission to the DRC was diverted to the two capitals. The mission to Ethiopia and Eritrea did not receive much encouragement from either capital and the fighting between the two countries ensued.

Diplomatic efforts having failed, the Council acted by adopting a resolution demanding both parties to cease hostilities and return to the OAU-sponsored negotiations. Both countries were given 72 hours to respond to the Council's demand or face further action. As both countries failed to comply, the Council adopted resolution 1298 (2000) of 17 May 2000, which imposed an arms embargo on both countries for a period of six months. This resolution bears particular significance to the work of the Security Council as, for the first time,

there was a time limit set for the lifting of the sanctions. This was an issue of considerable debate and compromise in the Council as the non-permanent members, solidly backed by France, Russia and China, insisted on a time frame for lifting the sanctions. It is hoped that by setting a timeframe for the lifting of the sanctions in this case will establish a precedent for future Council action on sanctions.

After several weeks of fighting, Ethiopia and Eritrea signed a cease-fire agreement on 18 June 2000, in Algiers under an OAU brokered peace agreement. The Council had deferred further action against the parties pending the outcome of the OAU-sponsored talks.

As there was no involvement of the United Nations in the negotiations, references in the agreement to a United Nations peacekeeping role must first be assessed and approved by the Security Council before any peacekeepers can be deployed. A UN peacekeeping presence will be critical to the peace process and this issue will be before the Council during Jamaica's presidency to determine the mandate of such mission.

In the meantime, the humanitarian situation in Ethiopia and Eritrea continues to deteriorate. Even before the outbreak of hostilities, it was estimated that there were some eight million persons in both countries that were facing starvation as a result of the drought-induced famine in the region. The hostilities have

¹¹ *President Bouteflika of Algeria.*

exacerbated the humanitarian situation and have resulted in the flow of a large number of refugees into neighbouring countries and tens of thousands of internally displaced persons in Eritrea. The war has severely affected the delivery of humanitarian assistance to those in need.

II.A.4. Sierra Leone

Beginning in late April, there were reports of attacks by the RUF rebel forces against the United Nations Mission in Sierra Leone (UNAMSIL). By early May, the peacekeeping operations in Sierra Leone had taken centre stage in the Security Council as the RUF had by then launched several attacks against the UN forces and that hundreds of UN forces had been detained by the RUF. The Council urged the Secretary-General to speed up the deployment of UNAMSIL to bring the troops level up to the approved force of 11,100. The Council also, at the request of the Secretary-General, approved an increase in the force level to 13,500.

From the early reports received from the field it was made quite evident that RUF leader Foday Sankoh bore some responsibility for the illegal actions of the RUF forces. Some reports suggested that he might have directly ordered the RUF forces to attack the UNAMSIL forces. Members of the Council now strongly hold to the view that Sankoh, who is currently in the custody of the government of Sierra Leone, must be held accountable for his deeds. The government of Sierra Leone is considering putting Sankoh on trial for treason. The Security Council,

which has not yet fully debated Sankoh's future, has nevertheless made it clear that Sankoh no longer has a political role in Sierra Leone. The only question to be determined is whether he should be tried by the government of Sierra Leone in a national court or be tried by an international criminal tribunal. This decision would be made in consultation with the Sierra Leone government.

Resulting from the situation of the past month, serious questions are now being raised as to the validity of the Lome Peace Agreement. It is being proposed by some that there are certain aspects of Lome, such as inclusion of the RUF in the political process, that are no longer valid; and that the Council should now consider taking action in what is essentially a post-Lome phase. Others are of the view, however, that certain aspects of Lome, such as the disarmament, demobilisation and reintegration process, may still be valid to the peace process and might be worth preserving.

A new approach to the Sierra Leone crisis will be before the Council in the weeks leading up to July. The United Kingdom has submitted a draft resolution for consideration that would maintain the current mandate of UNAMSIL while increasing the number of authorised forces to 16,000 with what is described as a robust mandate. The draft resolution, *inter alia*, calls for provision of appropriate capacity and logistic support to carry out the current mandate. It is the view of the United Kingdom that the current mandate is sufficient to get the job done. Although this seemingly new aggressive approach is a markedly different attitude

being expressed by the UK on UNAMSIL's mandate, it does not satisfy the desire of many members to see the mandate changed to Chapter VII. The United States has expressed strong support for changing the mandate to make it a Chapter VII. Most of the non-permanent members of the Council supports changing the mandate and had argued unsuccessfully for a Chapter VII mandate at the time UNAMSIL was established. Jamaica was among those who advocated for a Chapter VII mandate at that time.

Another issue, which the Council must face, is that of the role of President Charles Taylor of Liberia in the events which have been unfolding in Sierra Leone. Taylor is undoubtedly the main benefactor of the RUF rebels and has been since the very beginning. He allegedly facilitates the marketing of the illegal trade in Sierra Leone diamonds, the proceeds of which are used in turn to finance the war against the Sierra Leone government. Taylor reportedly has profited personally from this illegal trade. He has denied any involvement in the diamond trade and arms supply to the RUF. This denial is hardly believable as the existing data shows Liberia's exports of diamonds far exceed its own resources.

The UN Secretary-General and the leaders of the Economic Community of West African States (ECOWAS), knowing of the influence Taylor has with the RUF, turned to him for assistance in obtaining the release of the UNAMSIL forces detained by the RUF. Although, he was, for the most part, successful in

obtaining the release of the detained UNAMSIL soldiers, the international community, namely the UN, and in particular the Security Council, is highly sceptical of Taylor's role in Sierra Leone and will be seeking ways to deal with him in the future to end his support for the RUF. Undoubtedly, without Taylor's support, the RUF would pose considerably less of a challenge to the international community.

On 22nd June, members of the Economic Community of West African States (ECOWAS) Mediation and Security Council (Mali – chair, Ghana, Gambia, Liberia, Nigeria, and Togo) and the Executive Director of ECOWAS, held discussions with the Security Council in a private meeting to discuss issues regarding ECOWAS's and the UN's role in Sierra Leone. In particular, the meeting provided an opportunity for ECOWAS to brief the Council on its initiatives for advancing the peace process in Sierra Leone, to solicit the Council's support, and to offer its perspectives on ways the Council can contribute to the peace process.

II.B Asia

II.B.1. Afghanistan

The continued conflict in Afghanistan between the Taliban and the United Front remains an issue of grave concern for the international community and the Security Council. The Council receives a briefing on this issue each month by the Secretary-General. At the briefing and discussions in the on 7 April 2000, the Council issued a Presidential Statement,¹² which, *inter alia*, strongly condemned the Taliban for having launched new military offences in March. The Council reiterated its grave concern at the Afghan conflict, which constitutes a serious and growing threat to regional and international peace and security. The Council also expressed deep concern at reports that the parties were preparing for renewed large-scale fighting, which was anticipated during the spring. Since then, there have been reports of fighting between the parties, and the Taliban has given strong indication that it is only interested in a military solution to the conflict. However, the Security Council has maintained the position that the United Nations must continue to play a central and impartial role in international efforts aimed at a peaceful resolution of the conflict. In that regard, the Council supported the Secretary-General's appointment of a Personal Representative, as well as the activities of the United Nations Special Mission to Afghanistan (UNSMA) in support of efforts aimed at achieving a political settlement to the conflict.

¹² *Presidential Statement on the situation in Afghanistan, S/PRST/2000/12.*

The Council also has received monthly briefings on the humanitarian and human rights situation in the country. Humanitarian and human rights personnel were withdrawn from the United Nations office in Kandahar in March as a result of raids conducted by the Taliban on that office. The humanitarian personnel has since returned to Kandahar and reopened the UN office. In the meantime, the Taliban continues to engage in gross violations of human rights, particularly with respect to women and girls. The humanitarian situation in Afghanistan has continued to deteriorate largely due to the hostilities, and access to those in need of humanitarian assistance has been severely hindered. The humanitarian situation has been further threatened by the severe drought affecting large areas of Afghanistan.

Also of major concern to the Council is the continued use of Afghan territory, particularly that which is under the control of the Taliban, for the sheltering and training of terrorists and planning of terrorist acts. The Council has insisted that the Taliban cease providing sanctuary and training for international terrorists and to co-operate with efforts to bring indicted terrorists to justice. The Taliban's only response thus far is that there are no terrorists or terrorist organisations operating from its territory.

Another issue of considerable concern is increase in the cultivation, production and trafficking of drugs in Afghanistan, especially in territory under Taliban

control. Afghanistan is responsible for a large percentage of the world's poppy production.

Jamaica, in discussions on Afghanistan, has expressed deep concern for the humanitarian crisis in Afghanistan, and has emphasised that achieving a political settlement was a necessary first step in the process of alleviating the humanitarian crisis in the country. Jamaica has supported the call for negotiations which could lead to the creation of a government which was representative of the different ethnic and religious groups. Jamaica also stressed the need for United Nations' humanitarian efforts in Afghanistan to be provided with adequate resources in order to be effective, and expressed concern for the gross violations of human rights, particular against women and girls.

In the meantime, the Council maintains sanctions against the Taliban, which are targeted directly at the Taliban leadership and Taliban assets. The Presidential Statement issued by the Council on 7 April 2000 expressed the possibility that the Council might impose additional targeted sanctions on the Taliban if the regime continued to ignore Security Council resolutions.

III. Situations where the United Nations is engaged, including in support of peace-making, post- conflict peace-keeping and/or peace-building operations

III.A. Africa

The Security Council has not paid much attention to either Somalia or Sudan for quite sometime. However, recent initiatives on both these issues will place them on the Council's agenda for July.

III.A.1. Somalia

The situation in Somalia has received recent attention because of the initiative undertaken by the Government of Djibouti to find a solution to the disintegration of the country. There is currently no central government in Somalia and the country is divided up and controlled by a number of warlords, frequently fighting among themselves for control of territory. President Guelleh of Djibouti has began a process aimed at bringing central governance to all of Somalia by involving Somali civil society in discussions on the future of the country. Out of these discussions is expected to emerge the beginning of a democratic process that will establish a provisional government in Somalia.

While there appears to be wide support for this initiative among the general population of Somalia, there is strident opposition by most of the warlords. In addition, two northern provinces of Somalia, "*Puntland*" and "*Somliland*" are currently being governed in a somewhat autonomous status by certain clans that are opposed to the Djibouti peace initiative. The Government of Djibouti has asked for and received statements of support from the Council for its initiative.

As the initiative progresses the Council will be called upon to provide support other than mere pronouncements. In particular, the Council is expected to assist the initiative by putting pressure on the warlords and the leaders of *Puntland* and *Somaliland* to gain their support. This will probably entail the imposition of sanctions. In view of the current status of the discussions, it is highly likely that this issue will be before the Council for serious consideration during July.

III.A.2. Sudan

The issue before the Security Council is the lifting of sanctions against the Sudan, imposed on 26 April 1996, to halt that country's support for international terrorism. Resolution 1054 (1996) imposed diplomatic sanctions; called on member states to reduce the number of staff at diplomatic missions and consular posts and restrict the movement of those that remained; restricted entry into their territory of Sudanese government officials and military personnel; and required international institutions and regional organisations to refrain from convening any conferences in Sudan. Further sanctions were imposed by resolution 1070 (1996) of 16 August 1996, aimed at restricting travel and aircraft over-flight. These latter sanctions never took effect.

The sanctions were imposed on Sudan in response to an assassination attempt on the life of Egyptian President Hosni Mubarak in Addis Ababa, Ethiopia, on 26 June 1995. The Security Council, on 31 January 1996, adopted resolution 1044 (1996) condemning the terrorist assassination attempt and called upon the government of Sudan to comply with the requests of the OAU to extradite to

Ethiopia for prosecution the three suspects wanted in connection with the assassination attempt and to cease assisting terrorist activities and giving shelter to terrorists. After determining that Sudan failed to comply with resolution 1044 and determining that Sudan's non-compliance constituted a threat to international peace and security, the Council acting under Chapter VII of the UN Charter, adopted resolution 1054.

The issue now before the Council is whether, in light of evidence that Sudan has complied, should the sanctions be lifted. The Council has received letters from the OAU, the Non-Aligned Movement, the Arab League, Egypt and Ethiopia calling on the Council to lift the sanctions against Sudan. Both Egypt and Ethiopia, the original aggrieved parties, have endorsed the lifting of sanctions against Somalia. However, the United States has sought a delay in lifting the sanctions and has threatened to use its veto power to block action by the Council. The United States, for domestic political reasons wish to have action in the Council delayed until December 2000. Unfortunately, this position by the United States represents an example of subjugating the will of the international community to national political imperatives.

The United States has no support in the Council for its position. The Government of Sudan has given clear indication that it wishes to go forward with the issue in the Council even if the United States wishes to exercise its veto in defiance of the will of the international community. In this regard the NAM

caucus has tabled a draft resolution to lift the sanctions. This matter is expected to be debated and acted upon during Jamaica's presidency.

The position of Jamaica and other members of the Council is based on the general principle that sanctions are imposed to change the behaviour of the sanctioned party and when that behaviour has changed as required then the sanctions must be lifted. It is also Jamaica's stated position that sanctions should not be open-ended and that the criteria for lifting them must be clear and unambiguous:

III.B. Asia & Pacific

III.B.1. East Timor

The United Nations Transitional Administration in East Timor (UNTAET) ranks as perhaps the most significant operations ever undertaken by the United Nations. Established under Security Council resolution 1272 (1999) of 25 October 1999, UNTAET replaced the United Nations Mission in East Timor (UNAMET). UNAMET was responsible for the organisation and conduct of the referendum on 30 August 1999, in which the East Timorese voted overwhelmingly for independence and in so doing rejected autonomy status with Indonesia. Following the referendum, pro-autonomy militia forces, with the support of the Indonesian armed forces, wreaked death and havoc on the civilian population of East Timor. The atrocities of the pro-autonomy militias resulted in the deaths of hundreds of East Timorese; the total destruction of the physical infrastructure of the territory; and tens of thousands of refugees fleeing into West Timor.

As a response to the events in East Timor, the Security Council, acting under Chapter VII, authorised the establishment of a multinational force, under a unified command structure led by Australia, with the task of restoring peace and security to the territory; to protect and support UNAMET in carrying out its task; and to facilitate humanitarian assistance operations. The International Force in East Timor (INTERFET), having restored relative peace and security in East Timor transferred authority to UNTAET on 15 February 2000. The Council in establishing UNTAET endowed it with overall responsibility for the administration

of East Timor empowered to exercise all legislative and executive authority, including the administration of justice. Its mandate, *inter alia*, also included: providing security and maintaining law and order throughout the territory of East Timor; establishing an effective administration; assisting in the development of civil and social services; ensuring the delivery of humanitarian assistance, rehabilitation and development assistance; supporting capacity building for self-government; and assisting in the establishment of conditions for sustainable development.

On the occasion of the latest briefing of the Council by the Secretary-General on 25 May 2000, the Council was advised of major improvements in the security, civil administration, the employment situation and the overall economy of East Timor. The high unemployment rate, which had fomented civil unrest had been somewhat ameliorated in the short term by quick impact and temporary employment programmes, as well as an increase in start up of private business. Rebuilding of the infrastructure has continued at a slow pace but is expected to pick up with improvement in the availability of funds for that purpose. Of continued concern to Council members is the high number of refugees, which are still in refugee camps in West Timor. A large percentage of the approximately 90,000 refugees remaining may opt for settlement elsewhere in Indonesia for fear of returning to East Timor. Efforts to close the refugee camps are underway.

In the meantime, relations with Indonesia have improved considerably. UNTAET is also now evaluating its troop strength with a view to reducing the number in a few months.

Jamaica, for the most part, in discussion of the issues, has expressed support for UNTAET's work, but has expressed concern for the continued plight of the refugees. Jamaica has also stressed the importance of establishing a viable, democratic and sustainable system of governance and public administration and the importance of collaboration and co-ordination with the people of East Timor in ensuring their participation in the architecture of the new nation, in all areas and levels of the nation-building process.

On the issue of the gross human rights abuses, which had occurred in East Timor, Jamaica has stressed that those responsible must be brought to justice and has encouraged the establishment of investigative and judicial systems so that violators may be prosecuted. Indonesia has expressed its willingness to co-operate in the process and has taken action in that regard. Council members generally agreed that Indonesia should be given an opportunity to deal with this matter in its national courts, while holding in abeyance any international role.

III.C. Europe

III.C.1. Kosovo

In the wake of large scale ethnic cleansing and mass murders of Kosovo Albanians by the military forces of the Federal Republic of Yugoslavia and other Serb para-military forces, and the actions taken by NATO to put an end to the Yugoslav operation, the United Nations adopted resolution 1244 (1999) of June 10, 1999, establishing the United Nations Mission in Kosovo (UNMIK) and the Kosovo Protection Force (KFOR). While explicitly reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY), UNMIK's mandate specifically authorised the Secretary-General *"to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia...."* The mandate further specified that UNMIK's main responsibilities include *"[p]romoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo ... and [f]acilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords."*

The security situation and lack of any administrative or civilian authority in Kosovo presented the Council with far more complexities and a greater degree of difficulty than any other undertaking by the United Nations at that time. Its responsibility included rebuilding a ravaged society in an environment characterised by extremely difficult security considerations. Although UNMIK can

point to significant progress in developing a civil administration in Kosovo, and despite considerable efforts by UNMIK and KFOR, the security problems have not been resolved. Lack of adequate security protection, particularly of the minority Serb population, has resulted in ethnic-based hatred manifesting itself in criminal activities targeted at the minority population. Some Council members are of the view that this problem is exacerbated by the lack of co-operation between UNMIK and KFOR, on the one hand, and the authorities in the FRY, on the other.

The majority view in the Council is that the FRY has been obstructive of all activities undertaken by UNMIK. For that reason, it is strongly held that the FRY should not be consulted on actions being taken by UNMIK. Most believe that the FRY's Serb leadership in Belgrade forfeited its rights to participate in the process in Kosovo as its sovereignty over the territory was suspended by resolution 1244 in the aftermath of the ethnic cleansing and genocidal actions it undertook in the territory against the Kosovo Albanians. The FRY's response has been that UNMIK's activities in Kosovo are in violation of its sovereignty. In view of the mandate granted under resolution 1244, however, the FRY's position is without legal basis and has not been given due consideration by the Council. This also extends to excluding the representative of the FRY from participating in open discussions on Kosovo as well as other issues related to the Balkans.

As a result of this position by the Council, the Russian Federation, often supported by China, frequently raises the issue of the FRY's sovereignty in the

Council. In particular, Russia has called for the full implementation of resolution 1244, which, in essence, is calling for early discussion of the political future of Kosovo, often emphasising that the mandate calls for autonomy status to be determined with the FRY and not independence, as is the objective of the Kosovo Albanian majority. Russia has indicated in very strong terms that it would oppose any attempt at fashioning a political solution leading to independence for Kosovo. Russia has also raised the issue of the continued high level of violence in Kosovo being perpetrated for the most part by the Kosovo Albanians against the Serb minority and has blamed UNMIK's lack of co-operation with the FRY as the primary cause. Indeed, the high level of insecurity is of major significance to the peace process in Kosovo. However, while calling on UNMIK and KFOR to take decisive action to deal with the problem most do not share Russia's views on the subject.

IV. Issues pertaining to Iraq

IV.A.

The issues involving Iraq are undoubtedly the most contentious in the Security Council. These include: the humanitarian impact of sanctions on the civilian population of Iraq; the lack of co-operation by Iraq in resolving the Kuwaiti and third party missing persons; and Iraq's refusal to comply with Security Council resolutions requiring Iraq to co-operate with the inspection, verification and destruction of weapons of mass destruction. The Iraq Sanctions Committee established pursuant to resolution 661 (1990) of 6 August has a heavier workload than all other sanctions committees combined. Although all of these issues have their genesis in Iraq's invasion of Kuwait on 2 August 1990, they are treated separately.

The intensity of the debates on Iraq issues lies partly in the fact that the five permanent members of the Security Council (the P-5) hold strong opposing views about the sanctions imposed on Iraq. China, France and the Russian Federation are opposed to the continuation of the comprehensive sanctions regime. On the other side, the United Kingdom and the United States reject any possibility of a compromise on this issue. For the United States, Iraq continues to be the single most important issue before the Council, as that country is determined to remove Iraqi leader Saddam Hussein from power. Statements from many US government officials, including the president, indicate the US does not intend to lift sanctions while Saddam Hussein remains in office.

Non-permanent members of the Council, with few exceptions, while seeking to promote efforts to ameliorate the serious humanitarian conditions of the Iraqi population, generally support the view that Iraq must comply with all relevant United Nations resolutions for the sanctions to be lifted. Iraq's intransigence in refusing to allow for inspection of its weapons, therefore, does not find favour with most non-permanent members. Most members, including those who generally support Iraq, also have problems with Iraq's lack of co-operation on the issue of missing Kuwaiti and third party nationals.

IV.A.1. The Sanctions Regime

Four days after Iraq invaded Kuwait, the Security Council adopted resolution 661 (1990) of 6 August 1990, which imposed comprehensive, mandatory sanctions; created a sanctions committee; banned all trade; imposed an oil embargo and arms embargo; suspended international flights; and froze Iraqi government financial assets and prohibited financial transactions. On 3 April 1991, the Council adopted resolution 687 (1991) establishing a set of eight specific conditions for the lifting of sanctions:

- Recognition of Kuwait's territorial integrity and newly demarcated international borders with Kuwait;
- Acceptance of a demilitarised zone with UN peacekeepers along the Iraqi-Kuwaiti border;

- The monitoring and destruction of all chemical, biological, and ballistic missile weapons and acceptance of a permanent ongoing monitoring programme managed by the United Nations;
- The monitored elimination of nuclear weapons materials and capabilities, supervised by the International Atomic Energy Agency (IAEA);
- The return of all property stolen from Kuwait;
- Acceptance of war damage liability and a compensation fund managed by the UN;
- Repatriation of all Kuwaiti and third-party nationals;
- A pledge not to commit or support any act of international terrorism.

Although Iraq announced acceptance of the resolution a week after its adoption, Iraq sharply criticised it as an unjust assault on Iraqi sovereignty. At the time of its adoption, Resolution 687 was the longest and most complicated resolution ever approved by the Council.

Of the eight conditions for the lifting of the sanctions, Iraq has so far complied with three – recognition of Kuwaiti territorial integrity and newly demarcated border; acceptance of the demilitarised zone; and elimination of nuclear weapons capability; and has partly complied with four – ongoing monitoring and dismantling of ballistic missile, chemical, and biological weapons of mass destruction; return of Kuwaiti stolen property; acceptance of war damage liability; repatriation of missing persons. The eighth condition, renunciation of terrorism -

although there has been no formal pledge, there appears to be no evidence of actual Iraqi support for international terrorist acts.

IV.A.2. *Humanitarian situation*

The humanitarian situation in Iraq has been the subject of some of the most intense debates in the Security Council. There are those who lay most of the blame for the extremely poor humanitarian conditions existing in Iraq directly on the effect of the sanctions. Others firmly believe that Saddam Hussein's own actions are equally to be blamed for the dire conditions existing in Iraq. One thing is certain however, the humanitarian condition of the Iraqi population has drastically deteriorated since the imposition of sanctions in 1990.

Iraq's basic infrastructure has suffered considerable deterioration due to the lack of spare parts and development funds. All sectors have been severely reduced to dysfunctional levels. For example, the destruction of electrical generation capacity and pumping stations led to a virtual collapse of the water supply system, causing most of the population to rely on drinking water contaminated with untreated sewage. This has in turn severely affected the health of the population. A number of studies by reputable international organisations and agencies have documented the resulting effects on the Iraqi population. The Food and Agricultural Organisation (FAO) reported in 1995¹³ that there was a major increase in the death rate among children five years of age and younger.

The United Nations Population Fund reported an increase in maternal mortality rates from 50 per 100,000 births in 1989 to 117 per 100,000 births in 1997.¹⁴ UNICEF reported in 1996 that 4,500 children under the age of five were dying every month in Iraq from preventable hunger and disease.¹⁵

In an effort reduce the effect of the sanctions and relieve the humanitarian conditions of the Iraqi people, the Security Council adopted resolution 706 (1991) of 15 August 1991, establishing the oil for food programme. The resolution permitted sale of up to \$1.6 billion in Iraqi oil over six-month period and directed that the proceeds be deposited in a UN escrow account to finance humanitarian imports and war reparations. Subsequent resolutions¹⁶ expanded the programme and resolution 1284 (1999) of 17 December 1999 lifted the ceiling on the amount of oil that can be exported under the programme. Possibly as a direct result of the oil for food programme, there has been a slight decline in the general malnutrition rates. The Secretary-General's report of 19 November 1998, noted that despite the decline the malnutrition rates remained alarmingly high: 14.7 percent among infants and 25 percent among children under five.¹⁷

¹³ Food and Agricultural Organisation, "Evaluation of Food and Nutrition Situation in Iraq" (Rome: FAO, 1995).

¹⁴ Reported in the United Nations Security Council, "letters Dated 27 and 30 March 1999, Respectively from the Chairman of the Panels Established Pursuant to the Note by the President of the Security Council of 30 January 1999, S/1999/100, Addressed to the President of the Security Council, S/1999/356, 30 March 1999," 35.

¹⁵ UNICEF press release, "Disastrous Situation of Children in Iraq," United Nations, New York, 4 October 1996.

¹⁶ Resolutions 712 (1991) of 19 September 1991, 778 (1992) of 2 October 1992, 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1153 (1998) of 20 February 1998.

IV.A.3. UNMOVIC

Although Iraq failed to fully comply with the United Nations Special Commission (UNSCOM) there was considerable progress reported on the efforts to inspect and dismantle Iraq's missile capabilities and much of Iraq's chemical weapons and production capability were destroyed. The least progress was achieved in the destruction of biological weapons. Following the U.S. and U.K bombing raids of December 1998, Iraq expelled the weapons the inspectors.

By resolution 1284 (1999) of 17 December 1999, the Security Council established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). Resolution 1284 outlined procedures for the completion of the weapons verification process and lifting of sanctions. The conditions for lifting of the sanctions are vague, however, and are subject to different interpretation. It took the Security Council some six months to negotiate the text of this resolution and in the end most members of the Council still were unsatisfied with the final draft. So far, Iraq has refused to accept the mandate of UNMOVIC.

The inspection and verification process is most carefully monitored by members of the Council who are determined not let UNMOVIC fall under the influence and control of any national government, as was the case with UNSCOM. Unlike its predecessor, UNMOVIC will be independent and will report directly to the

¹⁷ *United Nations Security Council, "Report of the Secretary-General Pursuant to Paragraph 10 of Security Resolution 1153 (1998)", S/1998/1100, 19 November 1998, par. 29.*

Council. Its programme of work must be approved by the Council, as was its organisational plan. The Chairman of UNMOVIC, Hans Blix, has assured the Council of his intention to fully co-operate with the Council and has vowed to maintain full independence from the influence of any single member.

IV.A.4. Kuwaiti and third party missing nationals and Kuwaiti properties taken by Iraq

The issue of the return of Kuwaiti and third party nationals are one of the few issues concerning Iraq on which the Council appears to have a consensus. The concern for those who have been missing since the Gulf War transcends ideological and philosophical boundaries. This issue remains a problem of high importance to the Council. Resolution 1284 (1999) and other relevant resolutions require Iraq to: immediately release under the auspices of the International Committee of the Red Cross (ICRC) or the Red Cross Societies or Red Crescent Societies all Kuwaiti and third party nationals and return the remains of the deceased; arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and return the remains of the deceased of the personnel of the armed forces of Kuwait and the Member States of the coalition; extend all necessary co-operation to the ICRC by providing the lists of such persons, and facilitating the search for those unaccounted for. The latest Secretary-General's report on the issue, which was before the Council for consideration in April 2000¹⁸ noted that although Iraq had co-operated to some

¹⁸ *Report of the Secretary-General, S/2000/247.*

degree by offering explanations for a number of missing persons, there were still a large number of cases for which Iraq has offered no explanation.

For most Council members the humanitarian nature of the issue requires that it not be politicised. International organisations, such as the Arab League and the Non-Aligned Movement have urged Iraq to comply. Council members have expressed the hope that Iraq would return to the Tripartite Commission, from which it had withdrawn in 1998, as this was viewed as the right mechanism for resolving the issue. In referring to the Non-Aligned Movement's Final Document of April 9, Jamaica stressed the need for Iraq to comply fully with the relevant resolutions. Jamaica urged Iraq to return to the Tripartite Commission, as there was a need to ensure that that this issue is resolved through dialogue rather than through confrontation.

There is also the issue of Iraq's failure to return of Kuwaiti archives, a large quantity of sophisticated military equipment, and museum pieces taken during the invasion. Although Iraq has returned some of the property it has failed to return these items. Failure to return these items, particularly the archives, is a very sensitive issue for Kuwait. The Secretary-General has appointed a special envoy to deal with this matter and the Council has called on Iraq to comply. However, so far, Iraq has failed to co-operate.

