

regarding the power of the International Tribunal for Rwanda under its statute to finance the upgrading of prison accommodations;

Confirmed that it was within the lawful powers of the Tribunal under its statute to fund the renovation and

refurbishment of prison facilities in States that had concluded agreements with the United Nations for the carrying out of prison sentences of the Tribunal. Such funds should be used to bring up to international minimum standards the prison accommodation to be occupied or used pursuant to those agreements.

37. Items relating to the maintenance of international peace and security

A. The responsibility of the Security Council in the maintenance of international peace and security

Decision of 6 December 2000 (4243rd meeting): statement by the President

At its 4242nd meeting, on 6 December 2000, the Security Council was briefed by the Under-Secretary-General for Legal Affairs. Statements were made by a majority of members of the Council.¹

In his briefing, the Under-Secretary-General highlighted the actions taken by the Council, the General Assembly and the Secretariat with regard to the significant developments in international law pertaining to acts of terrorism that had taken place in the previous decade. With regard to the Council, he recalled that the efforts undertaken by the Council began in 1992 and culminated in October 1999, with the adoption of resolution 1269 (1999) which, *inter alia*, called upon States to implement fully the anti-terrorism conventions and to consider adhering to those to which they were not parties. With regard to the Assembly, he referred in particular to the development of a legal framework of conventions, most notably the 1997 International Convention for the Suppression of Terrorist Bombings and the 1999 International Convention for the Suppression of the Financing of Terrorism. Recalling that, in September 2000, a Working Group of the Sixth Committee, on the basis of a draft text prepared by the representative of India, had embarked on the elaboration of a comprehensive convention on international terrorism, he pointed out that delegations expressed support for the work begun, although expressing divergent views on the elaboration of such a comprehensive convention. More specifically, he explained that some delegations believed that the instrument should be truly comprehensive in scope, containing a definition which

distinguished between terrorist acts and the legitimate struggle for national liberation and other forms of alien domination and foreign occupation, while others held that the future convention should complement and complete the existing sectoral anti-terrorism conventions rather than replace them. Turning to the role of the Secretariat, he mentioned, in particular, the submission of annual reports by the Secretary-General to the Assembly, including information on the status and implementation of existing multilateral, regional and bilateral agreements on terrorism, as well as on relevant incidents and criminal prosecutions, and recalled that the Secretary-General was also entrusted with the preparation of a compendium of national laws and regulations regarding the prevention and suppression of international terrorism. In concluding, the Under-Secretary-General stressed that the fight against terrorism required better international cooperation, acknowledging at the same time that obstacles were standing in the way of enhanced international cooperation, such as the definition of terrorism, the political element, the links between terrorist groups and organized crime groups, and the perceived relationship between religion and terrorism in some parts of the world.²

Recognizing that international terrorism posed a serious threat to peace and security, Council members commended the continuing efforts of the Organization, through the Council, the Assembly and the Secretariat, seriously to address such a threat and, in that regard, stressed the importance of a coordinated international approach. They welcomed, in particular, the adoption of the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

¹ The representative of Mali did not make a statement.

² S/PV.4242, pp. 2-8.

They also expressed their support for the draft comprehensive convention on terrorism and the ongoing efforts to complete a draft international convention for the suppression of acts of nuclear terrorism, proposed by the Russian Federation, and hoped that that work could be brought to completion as soon as possible.

While most delegations concurred that terrorism was never justifiable, for whatever purpose and by whomever committed, several representatives highlighted the need to distinguish between terrorism and the legitimate struggle of peoples exercising their right to self-determination.³ In that regard, the representative of Malaysia called for a clear and universally agreed definition of terrorism. He further believed that in taking security measures, States must be guided by the principle of proportionate response and not cross the threshold beyond which such security measures might descend to the level of terrorism.⁴ Although acknowledging that the fight against increasingly sophisticated terrorists might require increasingly harsher means, the representative of the Netherlands cautioned that the response to terrorism had to be proportionate and limited to the requirements of the maintenance of public order.⁵

The representative of the United States stressed that sanctions constituted the primary tool against terrorism, emphasizing the need for Member States to follow through on the commitments imposed on them by the Council.⁶ Similarly, the representative of the United Kingdom supported the imposition of measures by the Council against those who failed to bring to

justice those responsible for terrorist acts.⁷ Giving as an example the sanctions imposed against the Taliban and Osama bin Laden, the representative of Canada stressed that such measures demonstrated that there could be no impunity for terrorism and could also serve as a deterrent to future terrorist acts.⁸ The representative of China urged the Council to avoid or minimize resort to sanctions, which sometimes not only failed to resolve the problem satisfactorily, but could also have very serious humanitarian consequences.⁹

At the 4243rd meeting, on 6 December 2000, the President (Russian Federation) made a statement on behalf of the Council.¹⁰ by which the Council, *inter alia*:

Was deeply concerned by the increase, in many regions of the world, of acts of terrorism in all its forms and manifestations;

Reiterated its condemnation of all acts of terrorism, irrespective of motive, wherever and by whomever committed;

Welcomed the efforts of the General Assembly and other organs of the United Nations in the field of combating international terrorism;

Called on all States that had not done so to consider, as a matter of priority, becoming party to the existing anti-terrorism conventions;

Reaffirmed its resolution 1269 (1999) of 19 October 1999 and called upon all States to implement its provisions fully and expeditiously;

Reiterated its readiness to take necessary steps in accordance with its responsibilities under the Charter of the United Nations in order to counter terrorist threats to international peace and security.

³ *Ibid.*, p. 10 (Tunisia); p. 15 (Malaysia); and p. 20 (Namibia).

⁴ *Ibid.*, p. 15.

⁵ *Ibid.*, p. 13.

⁶ *Ibid.*, p. 17.

⁷ *Ibid.*, p. 8.

⁸ *Ibid.*, p. 15.

⁹ *Ibid.*, p. 10.

¹⁰ S/PRST/2000/38.

B. Maintenance of peace and security and post-conflict peacebuilding

Decision of 23 March 2000 (4119th meeting): statement by the President

On 11 February 2000, the Secretary-General submitted to the Council the report on the role of United Nations peacekeeping in disarmament, demobilization and reintegration.¹¹ The Secretary-

General presented an overview of the evolution of the involvement of United Nations peacekeeping in disarmament, demobilization and reintegration, identifying key elements that favoured the success of those processes, highlighting ways in which peacekeeping had assisted in them in the past and suggesting ways in which the United Nations could better support future disarmament, demobilization and reintegration efforts.

¹¹ S/2000/101, submitted pursuant to the presidential statement of 8 July 1999 (S/PRST/1999/21).