



S-0048-0001-009-00035

Expanded Number **S-0048-0001-009-00035**

External ID

Title

**Item-in-KAA: RELIEF OPS/OCHA - 2003 - Office for the Coordination of Humanitarian Affairs/Office of the Emergency Relief Coordinator**

Date Created

Date Registered

Date Closed

05/12/2006 at 2:19 PM

05/12/2006

Primary Contact

Home Location **S-0048-0001-009 (In Container)**Assignee **In Container 'S-0048-0001-009 (Souleymane Soukouna)' since 05/12/2006 at 2:40 PM**

Priority

Owner Location **Archives and Records Management Section**Container **S-0048-0001: OCHA - General**Record Type **Archival Item**

Local-container

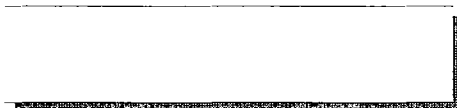
Document Details **Record has no document attached.**

Notes

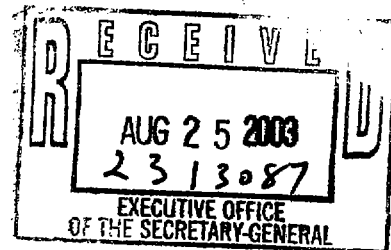
Date Published

Print Name of Person Submit Image

Signature of Person Submit



VG (H. policy)



# Draft Resolution relating the protection of humanitarian personnel in armed conflict

1. The draft resolution was drafted by the Delegation of Mexico during its April 2003 Presidency of the Council. The Mexican Ambassador informed Mr. Oshima during their meeting of 24 March 2003 of his desire to issue a "Presidential statement" on security of humanitarian personnel in conflict situations. Mexico has also regularly consulted with UNSECOORD on this matter. The position of OCHA has been to support the draft resolution.
2. Since then the Security Council has not been able to adopt a resolution nor agree on a Presidential statement on this issue due to the objection of the United States' inclusion of a reference to the

3. The Me  
tragedy and the  
understand tha  
is a division w  
veto. The mat  
adoption of th  
the Secretary

4. The O particularly in Protection of further refine paragraphs.

bomb attack on the UN offices in Dagh...

SG-direct

Priority

e Iraq

there  
ed to  
e the  
e with

Please see 2 notes from OCHA and  
OLA on the subject of the resolution  
sponsored by Mexico  
SIR instructed that MR Cozelle contact  
the President of the Council and the Mexican  
PR to ensure that the text is amended  
to include our views and that the voting be  
held in the second part of the day. VB 25/8  
on the UN offices in Dagupan.

gal  
n some  
operative  
the

5. We understand that the text may not be voted on next Monday. You may wish to decide whether the Mexicans should be approached for suggested changes. However, should the resolution be put to a decision, we would recommend the Secretary-General to provide his support at the time of its adoption.

Edward

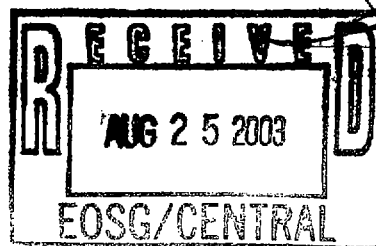
Ed Tsui

Officer-in-Charge

Office for the Coordination of Humanitarian Affairs

22 August 2003

cc. Mr. Hans Corell  
Mr. Hedi Annabi  
Mr. Danilo Turk


$$\frac{28}{8}$$

VG (W. postman)

RECEIVED  
AUG 25 2003  
23 13087  
EXECUTIVE OFFICE  
OF THE SECRETARY-GENERAL

1. The draft resolution was drafted by the Delegation of Mexico during its April 2003 Presidency of the Council. The Mexican Ambassador informed Mr. Oshima during their meeting of 24 March 2003 of his desire to issue a "Presidential statement" on security of humanitarian personnel in conflict situations. Mexico has also regularly consulted with UNSECOORD on this matter. The position of OCHA has been to support the draft resolution.

2. Since then the Security Council has not been able to adopt a resolution nor agree on a Presidential statement on this issue due to the objection of the United State's inclusion of a reference to the International Criminal Court.

3. The Mexican Government has now decided to table the resolution in the light of the Iraq tragedy and the urgent need for a response to the threat to humanitarian personnel. We understand that there are fourteen votes in favour of the resolution. In the case of the US, there is a division within the mission as to how to proceed with Ambassador Negroponte inclined to veto. The matter has been referred to Washington. The United Kingdom would like to see the adoption of the resolution and Foreign Secretary Jack Straw will most likely raise the issue with the Secretary Powell this weekend.

4. The OLA has expressed a number of technical concerns relating to the resolution particularly in relation to the ongoing work of the ad hoc Committee on the Scope of Legal Protection of the Convention. DPKO is of the view that the resolution would benefit from some further refinement, particularly to address inconsistencies between the pre-ambular and operative paragraphs. DPA and OLA are of the view that the resolution should make reference to the bomb attack on the UN offices in Baghdad.

5. We understand that the text may not be voted on next Monday. You may wish to decide whether the Mexicans should be approached for suggested changes. However, should the resolution be put to a decision, we would recommend the Secretary-General to provide his support at the time of its adoption.

Edward

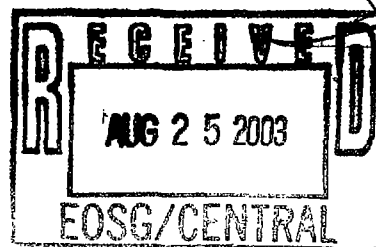
Ed Tsui

Officer-in-Charge

Office for the Coordination of Humanitarian Affairs

22 August 2003

cc. Mr. Hans Corell  
Mr. Hedi Annabi  
Mr. Danilo Turk



28/8

**Daphna Shraga**

22/08/2003 05:49 PM

To: Ed Tsui/OCHA/NY@OCHA

cc: Hans Corell/NY/UNO@UNHQ, Anthony Miller/NY/UNO@UNHQ,  
Vladimir Grachev/NY/UNO@UNHQ

Subject:

Mexican draft resolution of 30 May 2003

Mr. Corell has asked that I transmit the following to you:

1. The Mexican draft resolution dated 30 May 2003 deals with a number of issues pertaining to the safety and security of UN personnel (GA resolution 57/28) and the safety and security of humanitarian personnel (GA res. 57/157). This Office has drafted the two Secretary-General's reports on the scope of legal protection of the Convention on the Safety of UN Personnel (A/55/637 and the up-coming report A/58/187). Our comments on the draft resolution are as follows:

a. The issues dealt with in sub-paragraphs (a) and (c) of paragraph 5 (i.e., question of incorporating the key provisions of the Convention in SOFAs, SOMAs and other host country agreements, and the question of issuing a declaration on exceptional risk) reflect the Secretary-General's prior recommendations which are now being considered by the Ad Hoc Committee on the scope of legal protection of the Convention, established by the General Assembly. Any discussion by the Security Council at this juncture would preempt the discussion at the ad hoc Committee.

b. More particularly, the Secretary-General has already proceeded to incorporate the key provisions of the Convention in SOFAs and SOMAs currently concluded with third States. It is not practical, however, that all existing SOFAs and SOMAs be re-opened and renegotiated in order to include in them the said provisions (para. 5(a)).

c. With regard to the "Declaration" required under the Convention, we note that the Secretary-General has recommended in his latest report that because of the impracticality of the declaration and the political pressures to which he may be subjected if he is to initiate such a declaration, Member States should seriously consider the option to dispose of the need for a declaration. Clearly, if adopted in its present form, the Security Council resolution would preempt any serious discussion by the Ad Hoc Committee and any attempt by the SG to dispose of the declaration.

d. Finally, we note a glaring absence of any mention of what happened in Baghdad on 19 August. Even if the resolution is a generic resolution, it will be noted that there is not even a reference in the preambular paragraphs to the most serious attack ever on the United Nations.

This brings us to a more political reflection: since the Council has not yet adopted a resolution which was tabled on 30 May 2003, is it not more prudent for the Council to wait a little? This would give the Council time, first to make certain that they do not create the problems that we have indicated above and, secondly, to see to it that they do not create the impression that they rushed to this hastily, not mentioning what happened in Baghdad, but still giving the impression that the resolution was adopted at this time precisely because of this sad event.

**Norma Chan@UNDPA**

22/08/2003 07:37 PM

To: Sir Kieran Prendergast/UNDPA@UNDPA, Danilo Turk/UNDPA@UNDPA, Tuliameni Kalomoh/UNDPA@UNDPA, Lamin J. Sise/NY/UNO@UNHQ, Vladimir Grachev/NY/UNO@UNHQ, Carolyn McAskie/OCHA/NY@OCHA, Linda Perkin/UNDPA@UNDPA

cc:

Subject: Monday 25/8 - Protection of UN personnel, associated personnel and humanitarian personnel in conflict zones

*At the request of Linda Perkin, I am sending the following message:*

The Security Council has scheduled a meeting for **11 a.m. on 25 Aug.**, at the request of Mexico, in order to take action on the draft resolution. A copy of which was sent to you earlier. No changes nor amendments since, except for the list of sponsors, to which France, Germany, Bulgaria, FR and Syria have been added. More to follow.

Rumor has it that the US may submit an amendment to pp.5 which refers to the Rome Statute. Another rumor says the vote may be postponed. At the moment, SC President has instructed us to send out the meeting announcement and blue draft this evening.

Norma

UNITED NATIONS



NATIONS UNIES

THE SECRETARY - GENERAL

VG

# 5 22 Aug

Please check  
and confirm  
that <sup>OKA</sup> DP/KO/OCHA  
DPAs have been  
fully consulted  
and are on board.

The ~~Resolution~~  
is timely given  
the tragic events  
in Iraq



## Security Council

Provisional

30 May 2003

Original: English

---

### Mexico: draft resolution

*The Security Council,*

*Reiterating* its primary responsibility for the maintenance of international peace and security and, in this context, the need to promote and ensure respect for the principles and rules of international humanitarian law,

*Reaffirming* its resolutions 1296 (2000), of 19 April 2000, and 1265 (1999), of 17 September 1999, on protection of civilians in armed conflict, and resolution 1460 (2003), of 30 January 2003, on children and armed conflict, as well as other relevant resolutions, and *recalling* the statements of its President on protection of civilians in armed conflict<sup>1</sup> and on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,<sup>2</sup>

*Welcoming* the adoption by the General Assembly of resolutions 57/28 entitled *Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel* and 57/155 entitled *Safety and security of humanitarian personnel and protection of United Nations personnel*,

*Reaffirming* the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations, and *underlining* the importance for humanitarian organizations to uphold the principles of neutrality, impartiality and humanity in their humanitarian activities,

*Recalling* that attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations are a war crime in accordance with the Rome Statute of the International Criminal Court, which entered into force on 1 July 2002, and the need for States to end impunity for such acts,

*Aware* that the protection of humanitarian personnel and United Nations and its associated personnel is a concern in situations of armed conflict and otherwise,

---

<sup>1</sup> Presidential Statements S/PRST/2002/6 and S/PRST/2002/41.

<sup>2</sup> Presidential Statement S/PRST/2000/4.



*Gravely concerned* at the acts of violence in many parts of the world against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law, as well as other international law that may be applicable,

1. *Expresses its strong condemnation* of all forms of violence, including, inter alia, murder, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property;

2. *Urges* States to ensure that crimes against such personnel do not remain unpunished;

3. *Reaffirms also* the obligation of all parties involved in an armed conflict to comply fully with the rules and principles of international law applicable to them related to the protection of humanitarian personnel and United Nations and its associated personnel, in particular international humanitarian law, human rights law and refugee law;

4. *Urges* all those concerned as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets;

5. *Expresses its determination* to take appropriate steps in order to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel, including, inter alia, by:

(a) *Requesting* the Secretary-General to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of United Nations operations, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-missions and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

(b) *Encouraging* the Secretary-General, in accordance with his prerogatives under the Charter of the United Nations, to bring to the attention of the Security Council situations in which humanitarian assistance is denied as a consequence of violence directed against humanitarian personnel and United Nations and its associated personnel;

(c) *Issuing* the declaration of exceptional risk for the purposes of article 1 (c) (ii) of the Convention on the Safety of United Nations and Associated Personnel, in situations where in its assessment circumstances would support such a declaration, and *inviting* the Secretary-General to advise the Council, where in his assessment circumstances would support such a declaration;

6. *Requests* the Secretary-General to address in all his country-specific situation reports, the issue of the safety and security of humanitarian personnel and United Nations and its associated personnel, including specific acts of violence against such personnel, remedial actions taken to prevent similar incidents and actions taken to identify and hold accountable those who commit such acts, and to explore and propose additional ways and means to enhance the safety and security of such personnel.

---