

# Strengthening the rule of law through the United Nations Security Council

## Workshop paper series



### The United Nations Security Council, Sanctions and the Rule of Law

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### Remarks on Mexico's role and contribution to the subsidiary organs of the Security Council

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**Remarks on Mexico's role and contribution to the Subsidiary Organs of  
the Security Council**

**Guillermo Puente Ordorica**

During its mandate as an elected member, Mexico had the chance to chair different Subsidiary Organs, namely the Working Group on Children and Armed Conflict, the Committee on Non Proliferation regarding resolution 1540, and two Sanctions Committees: on Cote d'Ivoire in 2009, and in the two years of our tenure, on Somalia and Eritrea, according to resolutions 1844 and 1907.

It is important to note that the process to assign the presidencies and vice-presidencies of the Subsidiary Organs has a particular nature in various senses. First, it is the 10 elected members (E10) who carry this task, rather than the 5 permanent members (P5). Second, P5 is who indeed lead the process, though they hold consultations with E10 to listen to their priorities and concerns. Notwithstanding those consultations, at the end, P5 decide who chair what; the process is anything but transparent. Third, it is really at the discretion of the elected members how far and how deep they want to contribute serving as chairman of the various committees. It takes quite some time to create confidence among SC members, and at all times the support by the Secretariat is fundamental for a successful presidency. Fourth, the chairmanships are to be held more in a personal manner by the Ambassadors, rather than in their national capacities. This indeed represents a challenge, but as well an opportunity.

In our case, during 2009-2010, Ambassador Claude Heller, UN Mexican Permanent Representative (PR) at the time fulfilled this task. It is important to mention that vice-chairmen are meant to serve in the absence of the Chairman, but as that proved in many cases to be inefficient, SC members agreed that the second in command after the Ambassadors where going to serve as Acting Presidents. That was my personal case in various occasions, in which I had the chance myself to experience the exercise of this particular area of work within the Security Council.

It is worth noting that for Mexico we obtained what we requested during our consultations with P5. Actually, we served as vice-chairman of the 1540 Committee in 2009, in charge of conducting a comprehensive review of the implementation of the resolution, involving the wide UN membership, in order

to get the presidency in 2010, after the end of the membership of Costa Rica, who in time was chairing this Committee. I believe this particular case provides a good example of coordination and confidence building within the SC and beyond it, regarding the work of subsidiary organs.

Coming back to the sanctions regimes, in 2010, the mandate of the Committee on Somalia was expanded to cover the arms embargo on Eritrea through resolution 1907 (2009). It reviewed its guidelines accordingly, which added in the complexity of its work and the necessity for a better coordination, bearing in mind the regional scope of the conflict reflected in this decision.

The Committee adopted nearly 40 decisions on embargo exemptions and invited different stakeholders and relevant actors to brief it, such as the Special Representative for Somalia, high representatives of the Transitional Federal Government of Somalia, the Monitoring Group, the Coordinator of Humanitarian Affairs (OCHA), the World Food Program and UNICEF, among others. As part of this efforts to ensure dialogue, understanding and on top of all, transparency, we organized meetings with authorities from Djibouti and Ethiopia, and developed a permanent dialogue with the SRSG and the UN Department of Political Affairs.

Just in 2010, the Committee adopted 15 exemptions to the arms embargo, received 10 reports from UN Member States regarding the implementation of the arms embargo in Somalia, and 32 reports on the same issue in regard to Eritrea. Ambassador Heller, in his capacity as president of the Committee, reported to the SC members on the Committees' work on 4 occasions.

During the month of April 2010, a delegation of members of the Committee (US, Turkey, Uganda and members of the Secretariat) accompanied the Chairman to visit the region, including countries like Yemen, Eritrea and Kenya, with the purpose of raising awareness about the sanctions regime and enhance the implementation of the provisions of resolutions 1844 and 1907.

It was the first time in about 10 years that a UN Ambassador was invited by the Government of Eritrea to its territory, in order to hold interviews and to explain the purpose of the arms embargo, as well as to listen to their own views. It was overall a serious effort of engagement by the Mexican presidency regarding one of the main regional actors, viewed by many as the main spoiler, and indeed a destabilization factor in the Horn of Africa.

The intention of Mexico during the Chairmanship of the Committee was to imprint on its work a transparent and clear decision making process, and to keep members, countries in the region, and as well as other relevant actors, informed about the Committee's work and its implications. Our initiatives were aimed at trying to elevate the role of the sanctions regime as a tool of control, but more importantly as an incentive for the various regional actors to engage

into a process leading to the stability of the region. We suggested that sanctions should always send a clear message about the possibility to be lifted, attached to a positive development, and the SC should be ready at all times not only to monitor them with readiness, but to react positively to any favorable development. Sanctions should not be limited to play a punitive role, as they can have a more proactive approach.

We strongly believe that 2 years is not enough time for an E10 to consolidate its possible contributions. Therefore, we suggested to the SC to explore innovative ways to allow outgoing members to continue contributing with the experience acquired to the newly elected members. This indeed can be a way to reinforce the SC work from a general perspective, and the efficiency of the sanctions regimes, in particular.

On the other hand, it is very important for the Chair of any Sanctions Committee to be kept properly informed and to be engaged with the UN membership, the different branches of the SC Secretariat, and other relevant actors, both on the subtleties of the political processes and the technical aspects of any sanctions regime.

This is perhaps the most important way to get a better understanding of the work of the Committee, but first and foremost of the situation to which the sanctions regime is intended, its evolution and developments, and to avoid any technical violations; to encourage at the same time, a double way flow of communication and cooperation among the concerned parties and the SC.

For instance, the activities of the Chairman in this regard, both at headquarters, and also during the trip to the region, were intended to contribute to the process of dialogue and implementation of the sanctions regime, and proved to be highly effective for these purposes -efforts that were recognized by all the parties involved.

However, there are many areas that need to be improved. The SC, for example, should be clearer in the language of its resolutions, particularly about the necessity for cooperation between the various bodies of the UN and their responsibilities, including the Groups of Experts of each of the sanctions committees. Similarly, a comprehensive follow up of this cooperation and its results has to be considered and implemented.

Sanctions regimes should be reviewed by the SC members during future mandates, including questions addressed to the Committee by other members of the Organization and the possible loopholes in the sanctions regimes, such as the bearing of arms by the security personnel of foreign officials during their visits to Somalia, or the supply of certain military equipment to the TFG, just to mention a couple of small aspects.

On top of all, there is a clear need for better coordination among stakeholders, and political actors about the targets, objectives and purposes of the regimes, in order to encourage a coordinated and concerted effort by the SC and the different UN agencies involved in a determined conflict situation. This in turn can bring benefits to the work of the SC in the sense of efficiency, transparency and legitimacy.

It is extremely valuable to have the support of a professional team from the SC Sanctions Secretariat for the Chairman to devote his attention and efforts to enhance the work of the Committee. These efforts deployed by the Secretariat are commendable and should continue to be as efficient and neutral as they are today.

The political contribution from an independent position, without a preconceived agenda in respect to the conflict and its regional dynamics, is perhaps the most important aspect for an elected member to maintain when presiding over a Subsidiary Organ. From the very beginning, the Mexican approach was focused on ensuring a clear decision making process, to provide timely and relevant information to the Committee members as well as the regional countries and other relevant actors inside and outside the UN, about the work of the Committee and its implications. All the initiatives that we launched were aimed at raising the level of compliance with the sanctions regime and its impact, trying to promote the use of sanctions both as a tool of control and incentives for the regional actors to join a political process conducive to peace and stability in the African region.