

Monthly Forecast

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Overview

There will be two high-level meetings during Spain's December presidency: one on the comprehensive review of the implementation of [resolution 1540](#), which seeks to prevent the proliferation of weapons of mass destruction to non-state actors, chaired by Spain's Minister of Foreign Affairs, Alfonso María Dastis, and the other on [international judicial cooperation](#) on counter-terrorism, chaired by Spanish Justice Minister Rafael Catalá.

Another centrepiece of the December presidency will be an open debate on [human trafficking](#) in conflict situations.

The adoption of a resolution is the anticipated outcome from these three meetings.

Council members will continue to follow developments in [South Sudan](#) and are expected to renew the mandate of the UN mission there. There will be discussions on several other African issues this month, including:

- [Liberia](#), discussion on the Secretary-General's report following an assessment mission and adoption of a resolution on UNMIL;
- [Libya](#), renewal of UNSMIL and an update on the 1970 sanctions regime;
- [Sudan](#), the quarterly briefing by the chair of the 1591 Sudan Sanctions Committee and the semi-annual briefing on the ICC's work; and
- [UNOCA/LRA](#), update on the activities of the UN Office in Central Africa and the regional strategy to combat the Lord's Resistance Army.

Council members will continue to monitor developments on the [Syria](#) political and humanitarian tracks. Other Middle East issues that will be considered are:

- [Golan Heights](#), the renewal of UNDOF;
- [Iran](#) and non-proliferation, discussion of the implementation of resolution 2231; and
- [Israel/Palestine](#), the regular monthly briefing.

Other issues on the December programme of work include:

- [Afghanistan](#), quarterly discussion on UNAMA; and
- [Tribunals](#), semi-annual meeting and extension of the terms of ICTY judges and the ICTY prosecutor.

There will also be the annual briefing by outgoing [subsidiary body](#) chairs, reviewing developments within the relevant committee or working group during their term.

A resolution paying tribute to the outgoing [Secretary-General](#) will be adopted.

Throughout the month, members will be monitoring developments in [Burundi](#), the [DRC](#) and [Yemen](#). Also possible is a briefing on the human rights situation in the [DPRK](#).

Finally, Uruguay is organising an Arria-formula meeting regarding the synergies between the Council resolutions on [Women, Peace, and Security](#) and the CEDAW.

In Hindsight: The Security Council's Ever Evolving Relationship with Human Rights

Most conflicts on today's Council agenda are accompanied by severe human rights violations perpetrated on civilian populations by insurgents and in many cases, also by governments or those linked to them. A surge in human rights violations has often been a sign of potential outbreak of a conflict, or a predictor of increased instability and conflict escalation. The need for human rights information and analysis has come to be generally accepted as

an aspect of the reality the Security Council needs to consider in order to be effective in fulfilling its main objective, the maintenance of international peace and security. But this acceptance came only relatively recently, after decades of questioning the appropriateness of Council's concern with human rights, and the level of Council's interest has fluctuated from year to year.

Human rights have never been entirely absent

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In Hindsight: The Security Council's Ever Evolving Relationship with Human Rights (con't)

from the Security Council's outlook. Even during the Cold War decades, when the topic was seen as particularly sensitive, the Council adopted several resolutions with human rights references, including those on the situation in Hungary in 1956, in the Congo in 1961 and in the Dominican Republic in 1965. Starting in the early 1960s, several Council resolutions that were adopted in the context of decolonisation had strong human rights language, and some invoked the Universal Declaration of Human Rights. The strongest human rights language in Council resolutions of the Cold War era concerned South Africa. Between 1963 and the late 1980s, the Council passed numerous resolutions that called on the government to take specific measures dealing strictly with the protection of human rights, such as releasing political prisoners; stopping executions and granting amnesties for political prisoners; abolishing detention without charge, without access to counsel and without the right to a prompt trial; and commuting death sentences or granting stays of execution concerning specific prisoners.

But during most of the first four-and-a-half decades of the Organisation, it was generally rare and sometimes quite controversial to involve human rights in the spectrum of issues considered by the Council when addressing threats to international peace and security or conflicts already underway.

Since the early 1990s, however, as the nature of conflicts on the Council's agenda has changed from those between states to almost exclusively internal ones, human rights have gradually become accepted as indispensable to the Council's thinking and action in its efforts to safeguard international peace and security. At the Security Council's first summit-level meeting in January 1992—on the responsibility of the Security Council in the maintenance of international peace and security—every head of state or government participating in the debate raised the issue of the appropriateness of the Council's addressing human rights. Most were in full support. President Boris Yeltsin of Russia said that the “Security Council is called upon to underscore the civilized world's collective responsibility for the protection of human rights and freedoms”, while President George H.W. Bush of the US listed human rights among “the building blocks of peace and freedom”.

Most members and the Secretary-General were strongly supportive of the Council's concern with human rights. A few, however, displayed reluctance, expressing concerns about interference in the internal affairs of other countries. A presidential statement adopted at the meeting acknowledged that human rights verification had become one of the “integral parts of the Security Council's effort to maintain international peace and security” and welcomed this development.

Later that year the Council sought information and analysis for the first time from investigators appointed by the top human rights body, the Commission on Human Rights (succeeded in 2006 by the Human Rights Council, or HRC). These investigators, collectively referred to as special procedures, are independent experts and have editorial control over their reporting and statements. This has resulted on numerous occasions in frank and hard-hitting reporting, otherwise difficult to achieve in UN documents. Furthermore, special procedures can act with considerable speed. Over the years, the Council has received briefings from the special procedures on a few dozen occasions, though only four times—three in 1992 and one in 2014—in formal sessions.

Following the establishment of the post in 1993, the top human rights official, the High Commissioner for Human Rights, has become an important interlocutor for the Council. But issuing the first invitation for the High Commissioner to brief was controversial, and the frequency of interactions has varied considerably, occasionally fading completely. Following the first briefing in 1999, the High Commissioner (or the Deputy or Acting High Commissioner) was invited to meet with the Council either in a formal meeting or in consultations a total of 11 times through 2005. No meetings occurred in 2006 and 2008, and there was one in 2007. At various points, different Council members suggested hearing from the High Commissioner but encountered considerable resistance from their counterparts. This seems to have changed starting in 2009, with formal invitations issued several times each year, ranging from five in 2012 to 17 in 2015 (with six so far in 2016). Most members, including those who were initially quite reluctant, have appreciated the usefulness of receiving information and analysis from the High Commissioner, and each of

the permanent members has sought a High Commissioner's briefing at some point during this period.

Furthermore, in the last few years, the High Commissioner's New York office has offered to Council members informal, expert-level briefings on crisis situations (for example, four this year on Burundi) and has held informal introductory meetings with new or incoming Council members.

Overall, there have been numerous interactions between Council members and the different UN human rights actors. But over the years, their frequency and formats have fluctuated and some that had seemed to have become a firmly established practice have faded. For example, so far in 2016 there has been no Arria-formula meeting with the HRC Commission of Inquiry on Syria, a departure from the practice of having one or two such meetings each year since 2012. Similarly, the High Commissioner for Human Rights—who, since 2009, has briefed the Council at least once a year during the periodic open debates on the protection of civilians in armed conflict—has not been invited to provide a briefing on this topic in 2016.

The recent decrease in the number of formal interactions (in public and closed meetings) between the Security Council and the UN human rights machinery may perhaps be expected to change again. Marking the 10th anniversary of the establishment of the HRC earlier this year, 69 member states from all regional groups joined Switzerland in an appeal for a more effective interaction between the HRC and other UN bodies, in particular the Security Council, in the context of conflict prevention. The appeal invited “members of the Security Council to request regular briefings by the High Commissioner for Human Rights; to supplement its information base for informed decisions with reports of the HRC and its mechanisms ... in order to enhance its action in conflict prevention”. States joining the appeal—which included permanent members France, the UK and the US and elected and incoming Council members Italy, Japan, New Zealand, Spain, Sweden, Ukraine and Uruguay—committed themselves “to use actively our membership in all relevant bodies of the United Nations to put human rights at the heart of conflict prevention and make conflict prevention a reality”.

Status Update since our November Forecast

Lebanon

On 1 November, the Council adopted a presidential statement welcoming the election of President Michel Aoun and stressing that the formation of a unity government and the election of a parliament by May 2017 are critical for Lebanon's stability (S/PRST/2016/15). On 2 November, Under-Secretary-General for Political Affairs Jeffrey Feltman briefed Council members in consultations on the latest report of the Secretary-General on the implementation of resolution 1559 (S/2016/882), and on 10 November, Special Coordinator Sigrid Kaag and Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed members in consultations on the latest report on the implementation of resolution 1701 (S/2016/931).

Ad-Hoc Working Group on Conflict Prevention and Resolution in Africa

On 1 November, the Ad-Hoc Working Group on Conflict Prevention and Resolution in Africa held a meeting on the relationship between the Security Council and the Peacebuilding Commission. A focus of the meeting was how to implement resolution 2282, which describes the concept of "sustaining peace" as "a process...which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict."

Democratic Republic of the Congo

On 2 November, the Council was briefed by the Special Envoy to the Great Lakes Region, Said Djinnit, followed by consultations, on developments in the region (S/PV.7800). The 1533 DRC Sanctions Committee met with Special Representative for Sexual Violence in Conflict Zainab Bangura on 9 November (SC/12592). Angola and France co-led a Council visiting mission to the DRC and Angola from 11 to 14 November to meet with key actors to defuse a political crisis caused by the delay in the electoral process. The delegation arrived in Kinshasa on the evening of 11 November and received a briefing by the leadership of MONUSCO. On 12 November, it attended a series of meetings with government officials, members of the opposition, Catholic Church mediators and representatives of civil society organisations. On 13 November, Council members visited Beni in eastern DRC, an area that in the last two years has experienced high levels of violence against civilians. On 14 November, the mission went to Angola's capital, Luanda, to hold talks with

President José Eduardo dos Santos of Angola, in his capacity as President of the International Conference on the Great Lakes Region, as well as to meet with the President of the National Assembly and the diplomatic corps accredited to Angola. However, both the Angolan President and the President of the National Assembly were not in Luanda and the delegation met instead with their deputies. On 23 November, the Council was briefed by the co-leads of the visiting mission, Ambassadors François Delattre (France) and Ismael Abraão Gaspar Martins (Angola) (S/PV.7819).

Iraq

On 2 November, Assistant Secretary-General for Human Rights Andrew Gilmour and the head of OCHA, Stephen O'Brien, briefed Council members in consultations under "any other business" on the human rights and humanitarian implications of the offensive to liberate Mosul from the Islamic State of Iraq and the Levant. On 9 November, Special Representative Ján Kubiš briefed the Council and presented the Secretary-General's reports on UNAMI (S/2016/897) and on Iraq/Kuwait missing persons and property (S/2016/885). The security and humanitarian impact of the Mosul offensive was highlighted during the briefing (S/PV.7804).

Mali

On 3 November, the Council adopted a presidential statement that strongly condemned repeated ceasefire violations in Mali over the last few months and urged the parties to expeditiously carry out all their commitments under the 2015 Agreement on Peace and Reconciliation (S/PRST/2016/16). On 7 November, Council members issued a press statement condemning an attack near Douentza, in the centre of Mali, during which two Malian civilians and one Togolese MINUSMA peacekeeper were killed (SC/12579).

Western Sahara

On 3 November, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed Council members under "any other business" on his trip to the Layoune and Sahrawi refugee camps in southwestern Algeria.

Sudan and South Sudan

On 3 November, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed Council members on the activities of UNISFA and the most recent report of the

Secretary-General (S/2016/864) on Abyei, the disputed area straddling the Sudan-South Sudan border. On 15 November, the Council adopted resolution 2318 renewing the mission's mandate for six months. At press time, Nicholas Haysom, the UN Special Envoy for Sudan and South Sudan, was expected to brief (via video teleconference) on 29 November in consultations on Sudan/South Sudan issues.

Peace Operations

On 7 November, the Council held a ministerial-level open debate on "Peace operations—facing asymmetric threats" (S/PV.7802). UN Deputy Secretary-General Jan Eliasson, Secretary-General of the International Organization of La Francophonie Michaëlle Jean, Executive Director of the Counter-Terrorism Committee Executive Directorate Jean-Paul Laborde and Director of the International Peace Institute's Brian Urquhart Center for Peace Operations Arthur Boutellis briefed. The meeting was chaired by the Foreign Minister of Senegal, Mankeur Ndiaye. Senegal circulated a concept note prior to the meeting (S/2016/927).

Central African Republic

On 8 November, Deputy-Secretary-General Jan Eliasson briefed Council members under "any other business" on his recent visit to the CAR. The Council adopted a presidential statement (S/PRST/2016/17) on 16 November, strongly encouraging contributions at the international donors' conference in Brussels on 17 November to support stabilisation and development in the CAR (S/PV.7812).

Burundi

On 8 November, the Secretary-General's Special Adviser, Jamal Benomar, briefed Council members in consultations on his recent meetings in the region and on the Secretary-General's report on the situation in Burundi.

Bosnia and Herzegovina

On 8 November, the Council held its semi-annual debate on Bosnia and Herzegovina and adopted resolution 2315, renewing the authorisation of EUFOR ALTHEA for a year (S/PV.7803). Valentin Inzko, the High Representative for Bosnia and Herzegovina, briefed on developments covered in his 28 October six-month report and an appended 21 October special report (S/2016/911).

Somalia and Eritrea

On 8 November, Council members were

Status Update since our November *Forecast* (con't)

briefed by the Chair of the 751/1907 Somalia and Eritrea Sanctions Committee, Ambassador Rafael Darío Ramírez Carreño (Venezuela), on the final reports of the Somalia and Eritrea Monitoring Group (S/2016/919 and S/2016/920). On 9 November, the Council adopted resolution 2316 reauthorising Somalia anti-piracy measures (S/PV.7805). On 10 November, the Council adopted resolution 2317 on Somalia and Eritrea sanctions with ten votes in favour (S/PV.7807). Angola, China, Egypt, Russia and Venezuela abstained after their proposal for the SMEG to report within 120 days on recommendations for lifting sanctions measures imposed on Eritrea was rejected.

UN Policing

On 10 November, the Council held its annual briefing by the heads of police components on the role of policing in UN peace operations (S/PV.7808). Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed on the current challenges to effective UN policing. Four police commissioners shared their experiences: Bruce Munyambo (UNMISS), Priscilla Makotose (UNAMID), Georges-Pierre Monchotte (MINUSTAH) and Issoufou Yacouba (MINUSMA). Prior to the briefing a concept note by Senegal (S/2016/947) and the Secretary-General's report on UN policing were circulated (S/2016/952).

Working Group on Children and Armed Conflict

The Working Group on Children and Armed Conflict held a formal meeting on 14 November where the Office of the Special Representative for Children and Armed Conflict and UNICEF presented two Global Horizontal Notes covering the first half of 2016. The members of the Working Group discussed the consolidation of protection functions in UN missions and the possibility of a Working Group visiting mission this year.

Kosovo

On 16 November, Special Representative Zahir Tanin briefed the Council on Kosovo (S/PV.7811), presenting the latest UNMIK report (S/2016/901). Tanin noted that the security situation continues to remain stable, despite political tensions arising from the rift between the government and the opposition parties. He said that there has been lack of progress on the implementation of the EU facilitated agreements between Belgrade and

Pristina, especially regarding the formation of Association/Community of Serb Municipalities. Serbian Minister of Foreign Affairs Ivica Dačić and Kosovo's Ambassador to the US, Vlora Çitaku, made statements.

Counter-Terrorism

On 17 November, Paris Prosecutor François Molins (France) and Deputy Assistant Attorney General Bruce Swartz (US) briefed the 1373 Counter-Terrorism Committee on international cooperation in mutual legal assistance matters. On 21 November, Ukraine organised an open Arria-formula meeting on the protection of critical infrastructure against terrorist attacks. The meeting was chaired by Ambassador Volodymyr Yelchenko and there were three panelists: Sergiy Semochko, head of the Department for Counterintelligence and Protection of the National Economy of the Security Service of Ukraine; Frank Westfall, Regional Director of the Office of Infrastructure Protection of the US Department of Homeland Security; and Scott Aaronson, Executive Director for Security and Business Continuity of the Edison Electric Institute. On 28 November, Spain and Senegal organised an Arria-formula meeting on cybersecurity and international peace and security.

Myanmar

On 17 November, at the request of the US, the Secretary-General's Special Adviser on Myanmar, Vijay Nambiar, briefed Council members under "any other business". Assistant Secretary-General for Human Rights Andrew Gilmour was present to answer questions. The discussions focused on the recent escalation of violence in Rakhine state and the humanitarian and human rights situation. While emphasising that lack of access made it difficult to assess the situation, Nambiar said there were signs of more organised resistance by the Rohingya and a risk of further radicalisation of the conflict.

UN-OIC Cooperation

On 17 November, the Council held a briefing on cooperation between the UN and the Organization of Islamic Cooperation focused on enhancing the existing strategic partnership in the area of countering extremist ideology (S/PV.7813). Mankeur Ndiaye, Senegal's Minister of Foreign Affairs and Senegalese Abroad, chaired the meeting. UN Assistant Secretary-General for Political Affairs Miroslav Jenca, Assistant Secretary General of OIC Hameed Opeleyeru and Souleymane Bachir Diagne,

Professor of French and Romance Philology and of Philosophy at Columbia University, briefed. Senegal circulated a concept note for the event on 11 November (S/2016/965).

UN-AU Cooperation

On 18 November, the Council held a debate on "Strengthening the UN-AU partnership in peace and security" (S/PV.7816). The Council received briefings by El-Ghassim Wane, Assistant Secretary-General for Peacekeeping Operations; Ambassador Tete Antonio, AU permanent observer to the UN; Haile Menkerios, Special Representative of the Secretary-General to the AU; and Dr. Donald Kaberuka, AU High Representative for the Peace Fund. At the meeting, Council members adopted resolution 2320 welcoming the AU Assembly decision to fund 25 percent of AU peace support operations, to be phased over five years. Senegal circulated a concept note ahead of the meeting (S/2016/966). The debate took place in the context of three reports: a Secretary-General's report on ways to strengthen the UN-AU partnership (S/2016/780); a joint UN-AU review of mechanisms currently available to finance and support AU peace support operations authorised by the Council (S/2016/809); and Kaberuka's report on financing the AU and the AU Peace Fund.

Water, Peace and Security

On 22 November, the Council held an open debate on water, peace and security with briefings by Secretary-General Ban Ki-moon; Danilo Turk, Chair of the Global High-Level Panel on Water and Peace; Vice-President of the ICRC Christine Beerli; and Sundeep Waslekar, the President of Strategic Foresight Group. Council members addressed various aspects of water management and its implication on peace and security. Furthermore, the briefers and Council members discussed different ways the UN could assist in addressing the issue of water and its relation to peace and security. Ahead of the debate, Senegal circulated a concept note (S/2016/969) which emphasised that water scarcity and its mismanagement could play a major role as a driver of conflict and that there is a need to protect this resource in the context of armed conflict.

Israel/Palestine

The Council held its regular monthly meeting on the Middle East on 23 November (S/PV.7820). Special Coordinator for the Middle East Peace Process Nickolay Mladenov briefed.

South Sudan

Expected Council Action

The Council will renew the mandate of the UN Mission in South Sudan (UNMISS) before its 15 December expiration. It will also consider the Secretary-General's monthly assessment, called for in resolution 2304, on the deployment and future requirements of the Regional Protection Force (RPF), on obstacles to setting up the force and on impediments to UNMISS in conducting its mandate. At press time, it was unclear if and when an anticipated vote on a draft resolution to impose an arms embargo on South Sudan and additional targeted sanctions would happen.

Key Recent Developments

South Sudan is in the midst of a severe political, security, humanitarian and economic crisis. Escalating inter-communal violence and hate speech have aroused concerns about potential genocide if the country remains on its current course. Fighting continues to escalate in the Equatoria region, and there is conflict in Upper Nile, Unity and Western Bahr el-Ghazal states. There are now 1.73 million internally displaced people in South Sudan, including more than 200,000 who have taken refuge in or near UNMISS bases. Approximately 1.05 million refugees have fled from South Sudan to neighbouring countries since the start of the civil war in December 2013, including some 295,000 who have crossed the border into Uganda since July, when government and opposition forces clashed in Juba. Approximately 4.8 million people in the country suffer from severe food insecurity, amidst a dire economic crisis that has resulted in a current inflation rate of more than 660 percent.

On 1 November, the Executive Summary of the independent special investigation into “the violence in Juba...in July 2016, and the response of the UN Mission in South Sudan”, established by the Secretary-General in August and headed by Major General (ret.) Patrick Cammaert, was provided to Council members and publicly released.

It delivers a devastating critique of the mission's performance before, during and after the 8-11 July crisis. The essence of this summary is largely captured in one sentence: “The Special Investigation found that...lack of preparedness, ineffective command and

control and a risk-averse or ‘inward-looking’ posture resulted in a loss of trust and confidence—particularly by the local population and humanitarian agencies—in the will and skill of UNMISS military, police [sic] to be proactive and show a determined posture to protect civilians under threat, including from sexual violence and human rights violations”. The report describes a lack of leadership from senior UNMISS personnel and poor performance by troops and police in the mission; indicates that the mission did not respond to calls for assistance from people in the Terrain Compound, where multiple rapes occurred; and recommends that “peacekeepers, commanders and relevant troop-contributing countries...be held accountable for failures to protect”. Criticism was directly levelled at the performance of the force commander (a Kenyan general), the Chinese battalion, and a Nepalese formed police unit.

Following the release of the Executive Summary, the Secretariat established a taskforce, led by Assistant Secretary-General for Peacekeeping Operations El Ghassim Wane, to implement the recommendations of the report of the special investigation within three months.

There have been considerable repercussions from the investigation. On 1 November, the spokesman of the Secretary-General said in response to a question from a journalist that the force commander, who had only been at his post for three weeks at the time of the July violence, would be relieved of his duties. On 2 November, the Kenyan government issued a statement in which it maintained that rather than address the “fundamental structural and systemic dysfunctionality” of UNMISS, the UN decided to unfairly blame the force commander; as a result, Kenya announced that it would remove its troops from UNMISS and discontinue plans to take part in the RPF. The Secretariat is currently in the process of trying to identify potential troop contributors to replace the more than 1,000 Kenyan troops in UNMISS and to take the place of Kenya in the RPF. Kenya, along with Ethiopia and Rwanda, had committed to participate in the force.

Special Adviser for the Prevention of Genocide Adama Dieng made a visit to South Sudan from 7 to 11 November prompted by growing alarm at inter-ethnic violence in the country.

In a media briefing in Juba at the conclusion of his trip, Dieng said that what he had “seen and heard here has confirmed my concerns that there is a strong risk of violence escalating along ethnic lines, with the potential for genocide”. He noted that targeted killings and rape based on ethnic affiliation were elements of the conflict and expressed concern about hate speech, propagated through the media (including social media) and through letters that had recently been circulated. Dieng said that the situation in Yei, where tens of thousands of people have been displaced by violence in recent months, “merits a full-scale fact-finding investigation and enhanced humanitarian support”. Dieng's analysis is consistent with that of the Secretary-General's 10 November report to the Council, which said that there is “a very real risk of mass atrocities being committed in South Sudan.” Council members held consultations on South Sudan on 3 November, during which they were briefed by Under-Secretary-General for Peacekeeping Operations Hervé Ladsous. Ladsous reported on fighting occurring in various parts of the country and the growing incidence of hate speech.

On 17 November, the Council held a briefing, followed by consultations, on UNMISS and the situation in South Sudan. UNMISS head and Special Representative of the Secretary-General Ellen Margrethe Løj and Special Adviser Dieng briefed the Council. At the meeting, the US circulated a draft resolution calling for an arms embargo and additional targeted sanctions (assets freezes and travel bans).

Human Rights-Related Developments

On 25 October, High Commissioner for Human Rights Zeid Ra'ad Al Hussein released a statement warning that hate speech and incitement to violence against certain ethnic groups in South Sudan was highly dangerous and could result in mass atrocities if not reined in by community and political leaders at the highest levels. According to the statement, over the preceding two weeks, letters with graphic warnings of violence against people from the Equatoria region were left outside the gates of humanitarian organisations in Aweil West in Northern Bahr el Ghazal state in the north-western part of the country. The High Commissioner urged President Salva Kiir and all political and community leaders with influence to urgently and unambiguously condemn the incitement to violence and to take urgent measures to defuse the tensions, including a prompt and transparent investigation into the incidents.

UN DOCUMENTS ON SOUTH SUDAN Security Council Resolution S/RES/2304 (12 August 2016) authorised the Regional Protection Force. **Secretary General's Report S/2016/951** (10 November 2016) was an UNMISS report. **Security Council Press Statement SC/12596** (18 November 2016) called on the government of South Sudan to address increasing hate speech and ethnic violence and to promote reconciliation. **Sanctions Committee Document S/2016/963** (15 November 2016) was the South Sudan Sanctions Committee's mid-term report. **Other S/2016/924** (1 November 2016) was the Executive Summary of the report of the special independent investigation into the July 2016 violence in Juba.

South Sudan (con't)

The three-person Commission on Human Rights in South Sudan, established by the HRC on 23 March for one year, undertook their second field mission to South Sudan, Kenya and Ethiopia from 21 November to 7 December. They met with government officials including key ministers, members of civil society, religious leaders, diplomats and UN agencies to discuss the current human rights situation in the country. They also met with the president, the two vice presidents, the chief justice and members of the judiciary, as well as the chief of general staff of the SPLA. They visited UN civilian protection sites. In Ethiopia and Kenya, the Commission engaged with AU leaders, IGAD and senior UN officials, as well as other members of the international community and civil society. In Ethiopia, they visited Gambella refugee camp to meet with South Sudanese refugees. The Commission will present its report to the HRC in March 2017.

Key Issues

The underlying key issue for the Council is what role it can play in developing a new political framework to bring peace to South Sudan and in supporting those aspects of the August 2015 peace agreement that can be salvaged. In the shorter term, the Council will need to determine how it can help prevent South Sudan from descending into full-blown genocide, given the warning signs that this is a possibility.

Another key issue for the Council is the government's unwillingness to cooperate in the establishment of the RPF as envisioned in resolution 2304 and its continuing obstructions of the operations of UNMISS and humanitarian actors.

Underlying Problems

Existing political and ethnic tensions have been exacerbated by the conflict since December 2013 and by short-sighted decisions by the government, including the October 2015 decision to establish 28 states, which aroused the ire of minority ethnic

communities, who view the decision as an effort to confiscate land and power for the benefit of the Dinka, Kiir's ethnic group. Significant efforts will be needed to promote healing, reconciliation and the creation of a stronger sense of national identity among the country's 64 ethnic groups.

Meanwhile, UNMISS is forced to operate under extraordinarily difficult circumstances. It is a peacekeeping mission in a war-fighting environment, confronting a host country whose consent has been very limited and whose forces continue to attack civilians whom the mission is mandated to protect. Furthermore, it was never envisioned that this mission—or any other peacekeeping operation—would be responsible for the security, humanitarian and legal challenges of protecting tens of thousands of displaced civilians in and around its premises for extended periods of time.

Options

The most likely option is for the Council to renew UNMISS, maintaining core elements of the mandate such as the protection of civilians, monitoring and verification of human rights violations and facilitation of humanitarian access. In doing so, the Council might consider:

- authorising the deployment of additional 196 individual police officers to enhance security inside the protection of civilians sites, as recommended by the Secretary-General in his latest UNMISS report;
- emphasising the importance of the mission's efforts to facilitate local-level mediation and calling on member states to contribute aerial assets to provide logistical support for these efforts;
- urging the mission to produce more frequent human rights reports;
- condemning ceasefire violations and restrictions on the freedom of movement

of UNMISS;

- demanding that government and opposition leaders condemn hate speech and statements inciting people to commit violence; and
- urging member states with large numbers of South Sudanese expatriates to develop strategies to counteract hate speech related to South Sudan, as hate speech has been propagated from the diaspora through social media.

Another option is for the Council to engage with key AU, IGAD and UN officials in an informal interactive dialogue to discuss strategies for reinvigorating the peace process. The meeting could entail a discussion of how to develop a coherent political strategy for South Sudan, building on elements of the August 2015 peace agreement that are still workable.

The Council could also consider holding a briefing on ways to combat hate speech and incitement to ethnic violence in South Sudan, inviting the participation of the High Commissioner for Human Rights, international NGOs with a presence in South Sudan and key South Sudanese religious figures, among others.

Council Dynamics

There is a widespread recognition that the political process needs to be revitalised to bring peace to South Sudan. However, different views on the way forward continue to hinder the Council's engagement. The last three resolutions on the UNMISS mandate were adopted non-consensually, and there are sharp divisions in the Council regarding whether an arms embargo and additional targeted sanctions should be pursued.

The US is the penholder on South Sudan, while Senegal chairs the South Sudan Sanctions Committee.

Liberia

Expected Council Action

The mandate of the UN Mission in Liberia (UNMIL) expires on 31 December. The Council is expected to hold consultations and subsequently adopt a resolution on UNMIL

in line with the Secretary-General's recommendations contained in his report on the assessment mission to Liberia. Briefings by DPKO and the Peace Building Commission are likely.

Key Recent Developments

By the end of December, when the current UNMIL mandate expires, the Council will consider options for the possible withdrawal of UNMIL and the nature of the future UN

UN DOCUMENTS ON LIBERIA Security Council Resolutions S/RES/2308 (14 September 2016) extended UNMIL's mandate until 31 December. S/RES/2288 (25 May 2016) terminated the Liberia sanctions regime. Secretary-General's Reports S/2016/968 (15 November 2016) was on the assessment mission to Liberia. S/2016/706 (12 August 2016) was on UNMIL. Security Council Meeting Record S/PV.7770 (14 September 2016) was a vote on resolution 2288.

Liberia (con't)

presence in the country. The UN has been gradually disengaging from Liberia for several years, though this process was disrupted at the height of the Ebola epidemic in 2014 and part of 2015. In the context of this disengagement, the past year has been particularly noteworthy because of several developments. In May, the Council lifted the remaining sanctions on Liberia, terminating the sanctions regime, which had been in place for 13 years. On 30 June, UNMIL further downsized and formally transferred security responsibilities to the Liberian authorities in line with resolution 2239 adopted in September 2015. In light of UNMIL's mandate expiry in September, the Council adopted a technical rollover resolution, renewing the mission's mandate until the end of the year. This allowed time for the Secretary-General to provide the Council with recommendations from the assessment mission as mandated by resolution 2239.

The main objective of the assessment mission was to provide the Council with recommendations on the possible withdrawal of UNMIL and the evaluation of the capacity of Liberian authorities to ensure stability and security on the ground. El Ghassim Wane, Assistant Secretary-General for Peacekeeping Operations, led the 11-day mission, which concluded on 8 September. The mission's team met with representatives of the government, civil society, the security apparatus, religious communities and the UN country team, among others. On 7 September, Liberian President Ellen Johnson Sirleaf met with Wane and other members of the mission. Sirleaf acknowledged that the main challenge for Liberia will be holding "a free, fair, transparent, credible and violence-free presidential election in 2017". She emphasised that Liberia would need some assistance for the elections but that despite some challenges, the Liberian authorities were ready to fulfil their security responsibilities. Earlier this year, Sirleaf and Ivorian President Alassane Ouattara appealed to the Secretary-General to maintain the UN peacekeeping presence in both countries pending the conclusion of the 2017 presidential elections in Liberia, given the potentially destabilising impact of the vote.

On 15 November, the Secretary-General published the findings of the assessment mission. The report noted that the overall security situation in Liberia improved significantly over the 13 years of UNSMIL's deployment and that there is no imminent threat to Liberia's security. However, the

Secretary-General recognised that there are still a number of challenges facing Liberia. The most prominent ones are the lack of progress on security sector reform, the rule of law and national reconciliation.

In the light of the findings of the assessment mission, the Secretary-General's main recommendation to the Council was to keep Liberia on its agenda under Chapter VII of the Charter. This would allow time to test the capacities of Liberia's authorities to maintain stability in the country, especially in the context of the 2017 elections. Nevertheless, the Secretary-General provided the Council with three options: withdrawing UNMIL and establishing a successor peacekeeping mission with military and police advisory capacity that would be in operation by the 2017 elections; retaining UNMIL with its current mandate and armed components; or further drawing down UNSMIL by March, leaving only 28 military personnel and two formed police units, providing deterrence and standby support for the Liberian authorities during the elections.

The effects of the Ebola epidemic and the decline in commodity prices have had a negative impact on Liberia's economy during 2014 and 2015. On 2 November, the International Monetary Fund (IMF) projected that Liberia's economy would contract by 0.5 percent during 2016, while 3 percent growth is expected next year. The IMF observed that the economic slowdown affected the government's budget, with revenues falling short of planned targets. The IMF projects that the pressure on the budget will continue in 2017, given the increased expenditures resulting from Liberia's takeover of security responsibilities and from organising the presidential elections.

Human Rights-Related Developments

On 14 October, UNMIL and the Office of the High Commissioner for Human Rights released a report titled "Addressing Impunity for Rape in Liberia", based on information gathered by UN human rights officers between January 2015 and last March. The document indicates a high number of rapes reported in all 15 counties across the country, with a total of 803 cases in 2015, and finds that impunity prevails. Rape victims are not able to obtain justice as a result of institutional weaknesses, corruption, lack of due diligence by the government and logistical and financial constraints. The report provides a number of recommendations to the government, national and international stakeholders and the UN.

Key Issues

The most imminent issue for the Council is

the future of UNMIL, including options for a further drawdown and the subsequent termination of the mission.

Maintaining stability in the country remains an issue, especially in the aftermath of the 30 June transfer of security responsibilities from UNMIL to Liberian authorities.

Looking ahead, an issue for the Council could be a potential for destabilisation in the lead-up to and during the presidential elections in late 2017, and subsequent democratic handover.

Options

The Council could adopt a resolution that would adjust UNMIL's armed component in line with an option provided by the Secretary-General in his report on the assessment mission.

Another option would be to terminate UNMIL followed by the establishment of a successor mission in Liberia.

Council Dynamics

The elected members, while in favour of UNMIL drawdown, tend to be more cautious than the P3, especially the US, which seem to be more assertive in pursuing a rapid drawdown. Earlier this year, the US led a successful effort to terminate Liberia's sanctions regime when the Council adopted resolution 2288. Given the potential for violence and Liberians' overall low confidence in country's security structures, some members seem to believe that UNMIL's presence would be useful prior to and during the 2017 elections. While the report of the assessment mission and its recommendations will provide the basis for deliberations on the next UNMIL resolution, the US is likely to continue to guide the negotiations process. Even if some members have concerns regarding the process, it is unlikely that they would challenge the lead of the US, the penholder on Liberia.

The prevailing view among Council members is that UNMIL's withdrawal is imminent, given the relatively stable security situation in Liberia. Further reinforcing this view is the recent transfer of security responsibilities to Liberian authorities in June as demonstrated by the lack of any major incidents following the transition. During the past several years, the Council has clearly demonstrated its willingness to continue the gradual drawdown of the mission with the aim of eventual withdrawal. The DPKO has also held the view that the drawdown of the mission is overdue.

Libya

Expected Council Action

In December, the Council is expected to renew the mandate of the UN Support Mission in Libya (UNSMIL). Special Representative of the Secretary-General and head of UNSMIL Martin Kobler will brief on recent political developments and the Secretary-General's latest report. The Council also expects a briefing by the chair of the 1970 Sanctions Committee, Ambassador Ramlan Ibrahim (Malaysia).

The mandates of UNSMIL and the Panel of Experts expire on 31 December and on 31 July 2017, respectively.

Key Recent Developments

One year after the signing of the Libyan Political Agreement (LPA), its basis of support has not broadened and its implementation has been minimal. The Presidency Council of the Government of National Accord (GNA) has yet to agree on a new cabinet list to submit to the Tobruk-based House of Representatives for its endorsement, following the rejection of a previous list on 22 August. Despite some engagement by boycotting members of the Presidency Council, key divisions remain among its members. On 10-11 November, the members of the UN-facilitated Libyan Political Dialogue convened in Malta and called on the House to amend the Constitutional Declaration as stipulated in the LPA. They also urged the Presidency Council to improve its performance to address the acute security, social and economic problems faced by Libyan citizens. Support for the Presidency Council in Tripoli seems to be dwindling. In addition to the political deadlock and the Presidency Council's failure to deliver basic services, the situation has been further polarised following the attempt by Khalifa Ghwell, who became self-appointed prime minister of a Tripoli-based national salvation government in 2015, to seize the headquarters of the State Council.

Despite several international meetings on Libya, divisions among the parties continue to be fuelled by regional and international actors. At a 19 October ministerial meeting of Libya's neighbouring states in Niger, participants recommended that the League of Arab States, the UN and the AU form a troika to encourage national reconciliation, advance political dialogue and facilitate the implementation of the LPA. On 25 October, Kobler, along with

Ahmed About Gheit, the League's Secretary-General, and Jakaya Kikwete, the AU High Representative for Libya, established the troika and underscored the need for a coordinated and complementary international and regional approach to assist Libya in addressing its challenges. On 31 October, UK Foreign Secretary Boris Johnson and US Secretary of State John Kerry hosted a ministerial meeting in London in an effort to mobilise economic support to the Presidency Council. On 20 November, at a follow-up meeting held in Rome, participants outlined actions to be taken according to a time schedule, including the approval of the 2017 national budget, enhanced coordination between the Presidency Council and the Central Bank, as well as measures concerning the lack of liquidity and the provision of basic services.

On 11 September, forces led by General Khalifa Haftar seized several export terminals which were under the control of a militia that had struck a deal with the Presidency Council. The terminals were handed over to the National Oil Corporation on 15 September, although they remain under the protection of Haftar's forces. Libyan oil exports increased throughout October and November.

Several counter-terrorist operations, conducted by different armed groups with external support, are reinforcing the positions of key actors in the conflict and may complicate efforts to reach a political solution. Briefing the Council on 13 September, Kobler noted that he had sought to engage with General Haftar to no avail. On 18 November, Haftar's forces claimed victory over a key sector near Benghazi. The offensive against Sirte, a coastal town under the partial control of ISIL, continues to advance, involving mostly Misrata-based militias nominally under the command of the Presidency Council with aerial support by the US.

A humanitarian needs overview by OCHA foresees that 1.3 million people will need humanitarian assistance in 2017. In this context, migrants, refugees and asylum seekers face particular vulnerabilities. In 2016, more than 144,679 refugees and migrants arrived in Italy by sea, many from Libya. According to the OCHA overview, those attempting to reach Europe are arbitrarily detained in inhumane conditions during their stay in Libya and face abuses both in detention centres and when trying to board boats to Europe.

The International Organization for Migration reports that 3,649 deaths have been recorded in the Mediterranean in 2016.

Key Issues

The overarching issue is to ensure that a solution to the political deadlock addresses the issues raised by those refusing to support the LPA.

Exercising leverage on internal and external actors involved in Libya to encourage engagement in the political process is a related issue.

The potential for ISIL to disperse and increase its regional reach as a result of ongoing offensives against its strongholds is an urgent issue.

Exerting pressure on the parties that conduct hostilities to do so respecting international humanitarian law and mitigating the impact that current counter-terrorist operations, conducted by different armed groups may have on efforts to bring together the different parties within the framework of the LPA are important issues.

Options

Options for the Council include adopting a resolution that:

- prioritises a limited set of tasks which UNSMIL can realistically achieve, focusing particularly on its mediation and good offices role;
- reaffirms the Council's support for the Presidency Council and calls on it to propose an inclusive cabinet; and
- urges the House to consider the proposal swiftly and in good faith and uphold its responsibility to amend the constitutional declaration as per the LPA.

In December 2015, the Council mandated UNSMIL to support the establishment of the GNA and, as a result of the deadlock over this process, the Council renewed the same mandate with technical rollover resolutions in March and June. The Council could take advantage of the current renewal to collectively revisit (and agree on) its political strategy for Libya.

Council members could also organise a visit to Libya and the region to hold discussions with the parties, including spoilers, and regional stakeholders to help overcome the political deadlock.

Libya (con't)

Council Dynamics

Council members generally support UNSMIL's mediation efforts but have arguably failed to set a clear direction to reach and support a political settlement. Some Council members have emphasised the importance of a formal endorsement of the GNA by the

House, while others have been interacting bilaterally with the Presidency Council of the GNA as the legitimate government of Libya. Several resolutions since December 2015 have called upon member states to cease support to and official contact with parallel institutions that claim to have legitimate authority, but it

seems that several Council members, including permanent ones, have not respected this.

The UK is the penholder on Libya. Ambassador Ramlan Ibrahim (Malaysia) chairs the 1970 Libya Sanctions Committee.

UNOCA/LRA

Expected Council Action

In December, François Louncény Fall, Acting Special Representative and head of the UN Regional Office for Central Africa (UNOCA), will brief the Security Council on the Secretary-General's report on UNOCA and the implementation of the UN regional strategy to combat the Lord's Resistance Army (LRA).

The mandate of UNOCA expires on 31 August 2018.

Key Recent Developments

The LRA remains a threat to civilians in the region. After an increase in activity attributed to the LRA in the beginning of 2016, particularly in the south-eastern part of the Central African Republic (CAR), the LRA continued to be active in the region with 143 abductions reported between April to mid-September, according to the latest report by the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). A report by the NGOs Invisible Children and Resolve found that LRA forces abducted 44 civilians in eight attacks in October, in southeast CAR and the north-eastern part of the Democratic Republic of the Congo (DRC). According to the NGOs, five of these attacks were probably committed by the LRA splinter group led by Achaye Doctor, operating independently of Joseph Kony's command since late 2014.

A joint UNOCA-AU mission travelled to LRA-affected areas in the DRC on 25-28 October. The mission concluded that further engagement by the AU with the troop contributors to the AU Regional Task Force (RTF) against the LRA is needed to address

logistical challenges, and that further joint missions should be taken to engage with the contingents of the UN Organization Stabilization Mission in the DRC to increase their support for AU-RTF operations, in particular in light of an expected Ugandan pull-out from the force.

In an issue related to the role of UNOCA in the Great Lakes Region, the Secretary-General recommended in a 4 October letter to the Council that the role of the Special Envoy for the Great Lakes Region be expanded beyond issues relating to the Peace, Security and Cooperation Framework agreement for the DRC (PSC Framework). The Secretary-General recommended that the position be changed to "Special Representative for the Great Lakes Region" and that the role of the Special Representative would be to engage with actors in the region on "all peace and security issues", "including issues that may have not been foreseen in the PSC Framework". The letter also states that the Special Representative should cooperate and interact with the relevant regional offices but does not provide details on how this new position is to relate to UNOCA, which covers the Great Lakes at present. In response, in a 21 October letter, the Council said that it looked forward to further discussions about the recommendations.

Abdoulaye Bathily, the former head of UNOCA who finished his term on 31 October, last briefed the Council on the latest UNOCA report on 15 June. The Council was also briefed by Ahmad Allam-Mi, Secretary-General of the Economic Community of Central African States, regarding the activities of the organisation in the region.

Key Issues

A key issue for the Council will be to get an updated analysis regarding the implementation and effectiveness of the UN's regional anti-LRA strategy and the wider impact of the LRA on the region.

A related issue is how other conflicts and political upheavals in the region allow the LRA to continue to operate.

Monitoring instability and potential deterioration in other areas in the region is a major concern for the Council.

Options

As in the past, an option for the Council is to issue a presidential or press statement that:

- expresses support for UNOCA and encourages member states to contribute more resources toward anti-LRA efforts and regional cooperation, especially in light of the turmoil in countries in the region;
- commends the LRA-affected states for their cooperation and encourages further commitment to the force to overcome the LRA threat once and for all; and
- expresses support for UNOCA's efforts in addressing the increasing political and security challenges in Central Africa.

Council Dynamics

Council members are largely in agreement on LRA-related issues. Council members have also been supportive of UNOCA's continued shift to focus its efforts on the region as a whole, rather than on the LRA as its main objective.

The request for regular reporting from UNOCA in the presidential statement of 11 June 2015 reflected the view of several

UN DOCUMENTS ON UNOCA/LRA Security Council Presidential Statement S/PRST/2015/12 (11 June 2015) expressed concern about the grave security situation in parts of Central Africa, in particular the ongoing crisis in the CAR and its regional impact, the continuing threat of the LRA and the terrorist activities of Boko Haram. **Secretary-General's Reports S/2016/824** (29 September 2016) was on MINUSCA. **S/2016/482** (25 May 2016) was on UNOCA. **Security Council Letters S/2016/891** and **S/2016/892** (4 and 21 October) was an exchange of letters between the Council and the Secretary-General on the mandate of the Special Envoy for the Great Lakes. **Security Council Meeting Record S/PV.7718** (15 June 2016) was a briefing on the latest UNOCA report.

UNOCA/LRA (con't)

Council members that in the absence of particular developments or new concerns, adopting a semi-annual presidential statement on UNOCA is not very productive.

Thus, while Council members maintain their interest in LRA activities and other sub-regional developments, the Council will be less likely to adopt an outcome document following next month's briefing without a new and specific issue to address.

In relation to the position of the Special Envoy for the Great Lakes Region, several Council members felt that the Secretary-General's proposals required additional elaboration as to their financial and organisational ramifications, including clarifications of potentially overlapping responsibilities with UNOCA. While the Council is waiting for further information from the Secretariat on this issue, some Council members may take the opportunity

of the briefing to elicit Fall's views on whether and how a new position of Special Representative for the Great Lakes (instead of a Special Envoy) would affect the functioning of his office and what a possible division of labour might look like were such a position created.

The UK is the penholder on the LRA.

International Criminal Tribunals

Expected Council Action

In December, the Security Council will hold its semi-annual debate on the ad hoc international criminal tribunals. The presidents and prosecutors of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals—established in 2010 to carry out a number of essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the ICTY, after the completion of their respective mandates—are expected to brief, and may meet with the Informal Working Group on International Tribunals prior to the debate. A resolution is expected to be adopted to extend the terms of ICTY judges and the ICTY prosecutor.

Key Recent Developments

The ICTY has concluded proceedings against 154 of the 161 persons indicted, with 83 individuals sentenced, 19 acquitted, 13 referred to a national jurisdiction, 37 whose indictments were withdrawn or who are deceased and two with retrials to be conducted by the Residual Mechanism. There is one remaining trial, against Ratko Mladić; one remaining appeal, the Prlić et al. case against six accused; and one remaining contempt case, Jović et al. Judgements in the last remaining cases are expected by November 2017.

On 6 September, the Council unanimously adopted resolution 2306, amending the Statute of the ICTY to allow the Secretary-General to appoint a former judge of the ICTY or of the ICTR who is also a judge of

the International Residual Mechanism, to be assigned on an ad hoc and temporary basis to the ICTY Appeals Chamber.

On 9 November, ICTY President Judge Carmel Agius outlined five main challenges in an address to the General Assembly: ensuring that the remaining cases stay on track for a timely and responsible closure and a smooth transition to the Residual Mechanism; taking all necessary measures to encourage the retention of all ICTY staff and prevent accelerated staff attrition; defending the integrity of the ICTY, which includes enforcing a zero-tolerance policy in respect of witness interference; promoting the ICTY's image and engaging in discussions to consolidate the shared legacy of both the Tribunal and the UN; and finally, supporting and enabling national jurisdictions to adjudicate international crimes, including by enhancing regional cooperation.

Council members received a letter from the ICTY President on 11 November, requesting extensions of the terms of seven permanent judges and one ad hoc judge until 30 November 2017 or until the completion of the cases to which they are or will be assigned, if sooner, and the term of the ICTY president until 31 December 2017, to perform functions required in closing the Tribunal.

Regarding the work of the Residual Mechanism, on 9 November, its president, Judge Theodor Meron, said in an address to the General Assembly that the Mechanism had assumed responsibility for all remaining functions of the ICTR after its closure in December 2015, and preparations for the transfer of

relevant remaining ICTY functions continue, in anticipation of its expected closure at the end of 2017. Meanwhile, since its establishment, the Mechanism has issued more than 800 judicial orders and decisions. Meron informed the General Assembly of the arrest in Turkey of Residual Mechanism Judge Aydin Sefa Akay (Turkey) on or around 21 September, in relation to allegations concerning the attempted July coup to overthrow the government of Turkey, and said that Akay had remained in detention since then. Expressing his personal concern for the welfare of Akay, the President also reported that the UN Office of Legal Affairs, on behalf of the Secretary-General, had formally asserted diplomatic immunity, in accordance with the Mechanism's Statute, and, as a consequence, had requested Akay's immediate release from detention and the cessation of all legal proceedings against him. Meron expressed regret that the Turkish government had not acted upon this formal request. In a 5 October letter to the Security Council, Meron informed the Council of Akay's arrest and ongoing detention. At press time, Akay was still in detention.

The presidents and prosecutors of the ICTY and Residual Mechanism last briefed the Council on 8 June.

Key Issues

The immediate issue for the Council will be the request to extend the terms of ICTY judges and the prosecutor.

Another key issue is Akay's arrest and ongoing detention in Turkey.

UN DOCUMENTS ON INTERNATIONAL CRIMINAL TRIBUNALS Security Council Resolutions S/RES/2306 (6 September 2016) amended the Statute of the ICTY. S/RES/2269 (29 February 2016) appointed the prosecutor of the Residual Mechanism until 30 June 2018. S/RES/2256 (22 December 2015) extended the terms of ICTY judges and the prosecutor for varying lengths not exceeding 31 December 2016. Security Council Meeting Record S/PV.7707 (8 June 2016) was the semi-annual debate. Security Council Letters S/2016/959 (11 November 2016) requested extensions of ICTY judges' terms. S/2016/841 (5 October 2016) was from Residual Mechanism President Judge Meron on Judge Akay's arrest and ongoing detention in Turkey. Other S/2016/976 (17 November 2016) was the ICTY's assessment report. S/2016/975 (17 November 2016) was the Residual Mechanism's assessment report.

International Criminal Tribunals (con't)

Options

The Council could adopt a technical resolution extending the ICTY judges' and prosecutor's terms as requested or extend the terms for a shorter period of time.

The Council could adopt a statement calling for Akay's immediate release from detention and the cessation of all legal proceedings against him.

Council Dynamics

According to the relevant Council resolutions, the ICTY was expected to complete its caseload in 2010 or, failing that, by the end of 2014. Last December, the Council adopted a resolution further extending ICTY judges' and the prosecutor's terms until December 2016, despite requests for extensions until 2017. As it had in previous years, Russia abstained on the resolution, commenting

that the situation regarding the Tribunal's exit strategy had not improved and that costly trial delays continued. Russia is also critical of the ICTY's jurisprudence, claiming that it has not done justice on behalf of Serbian victims of the Yugoslav conflict.

Uruguay is the penholder and chair of the Informal Working Group on International Tribunals.

Syria

Expected Council Action

Council members expect to receive the regular monthly briefings on the political and humanitarian situations in Syria and could not rule out other activity, given the urgent nature of the Syrian crisis.

The authorisation in resolution 2258 for cross-border and cross-line humanitarian access in Syria expires on 10 January 2017. The Council may adopt a resolution renewing the authorisation in December before two of the humanitarian leads, New Zealand and Spain, rotate off the Council.

The Board of Inquiry appointed by the Secretary-General to investigate the 19 September attack on a humanitarian convoy is expected to deliver its report in early December. It will not be public, but a summary of the findings will be released. At press time, it was unclear if the Security Council would consider the report's findings.

Key Recent Developments

On 18 October, Russia announced a unilateral pause in hostilities for eastern Aleppo, an area that has been besieged by the government since July. This pause was largely observed until 15 November, when Russia and the Syrian government renewed its offensive in Aleppo, the suburbs of Damascus, Homs and Idlib.

OCHA head Stephen O'Brien briefed the Council on 21 November, reporting a high tempo of military activity against opposition-held areas since 15 November, adding that there are barely any functional hospitals left

in eastern Aleppo. He also reported a significant increase in the government's use of siege and starvation tactics. At this time last year approximately 394,000 civilians were living under siege; the number has now risen to approximately 975,000, including 275,000 in eastern Aleppo. He said that 25,000 civilians had been displaced in government-controlled western Aleppo as a result of opposition shelling. O'Brien further said that OCHA was anticipating that thousands more civilians would face displacement as a result of US-led coalition operations in Raqqa against the Islamic State of Iraq and the Levant (ISIL) and in Al Bab as Turkish and opposition forces fight to retake the town from ISIL.

Following O'Brien's briefing, Council members took the floor. The US named a dozen Syrian generals and officers accused of being responsible for attacks on civilian targets, and specified several military facilities where the government allegedly tortures detainees. The US said the atrocities in Syria are well documented, and that one day the perpetrators would be held accountable. In response to OCHA's briefings and the US's remarks, Russia asserted that data about the humanitarian situation is intentionally falsified and that Russia is constantly seeking ways to help in Aleppo. Russia said the delivery of humanitarian aid had been sabotaged by opposition fighters who tried to barter the evacuation of the sick and wounded for food and medicine. New Zealand said that, setting ISIL-controlled areas aside, the Council members around the table could not avoid

the fact that civilians were being killed in Syria and a country was being destroyed by its own government, a government supported by a member of the Council, a reference to Russia.

In consultations following the humanitarian briefing, Egypt, New Zealand and Spain continued discussion of their draft resolution that calls for a 10-day truce in Aleppo and for the cessation of hostilities to be resumed across the rest of the country in line with resolution 2268. This draft is the humanitarian penholders' attempt for the Council to respond effectively to the situation in Aleppo and establish the minimum requirements to lower overall levels of violence and resume talks on a political transition. At press time, Russia was not supportive of the draft and it was unclear whether and when it might be put to a vote. This particular draft follows several attempts in October to address the military escalation in Aleppo: the veto cast by Russia on 8 October of a draft resolution demanding an end to military flights over Aleppo; the non-adoption on the same day of a competing Russian draft resolution on Aleppo, which only garnered four positive votes; and New Zealand's attempt to have Council members agree to a resolution that sought to stop aerial bombardment, to get humanitarian aid flowing and to address the need to separate terrorist fighters from other armed opposition groups.

Special Envoy Staffan de Mistura met with Syrian Foreign Minister Walid Mouallem on 21 November. In comments to the press, de Mistura reported that Mouallem denied any bombing of hospitals in eastern

UN DOCUMENTS ON SYRIA Security Council Resolutions S/RES/2319 (17 November 2016) and S/RES/2118 (27 September 2013) were on chemical weapons. S/RES/2268 (26 February 2016) endorsed the cessation of hostilities. S/RES/2254 (18 December 2015) was on a political solution to the Syrian crisis. **Secretary-General's Reports** S/2016/962 (15 November 2016) was on the humanitarian situation. S/2016/928 (2 November 2016) was on chemical weapons. **Security Council Meeting Record** S/PV.7817 (21 November 2016) was on the humanitarian situation.

Syria (con't)

Aleppo, and that the government had yet to agree to a basic humanitarian plan for Aleppo which included medical evacuation, delivery of medical and food supplies and the rotation of doctors to care for those in the city. De Mistura's "Aleppo initiative" was also discussed. The initiative would require an immediate and total halt to the bombing of eastern Aleppo followed by the evacuation of Al Nusra fighters. De Mistura underscored the need to keep the local administration in eastern Aleppo intact, i.e. under opposition control. This condition was flatly rejected by the government. Mouallem reportedly signalled that the government was ready to resume political talks, with de Mistura commenting only that the UN was evaluating options, bearing in mind the highly militarised environment.

On chemical weapons, Acting High Representative for Disarmament Affairs Kim Won-soo briefed Council members on 29 November. Earlier in the month, on 17 November, the Council adopted resolution 2319, renewing the mandate of the UN-OPCW Joint Investigative Mechanism (JIM), the body established to determine responsibility for the use of chemical weapons in Syria, for a further year. The JIM's four reports to date have concluded that of the nine cases investigated, the Syrian regime used chlorine gas against its own population in three cases and that ISIL used mustard gas in one case. There was insufficient evidence to make a determination in the remaining five cases.

Human Rights-Related Developments

On 11 November, the Office of the High Commissioner for Human Rights (OHCHR) raised concerns about the humanitarian situation of several hundred displaced Iraqi civilians who had fled the

Mosul offensive to Hassakeh in Syria, controlled by the Kurdish People's Protection Units. Concern was also expressed about the number of civilian casualties as a result of increased air and ground strikes on ISIL targets in populated areas. There were also reports of a worsening humanitarian situation in Madaya, a town outside of Damascus which is besieged by the government.

Key Issues

With Syria approaching its sixth year of a war that has exacted a death toll of 470,000, left 975,000 living under siege and displaced half of the Syrian population, including 4.81 million refugees, the essential issue for the Council is to exert effective leadership in supporting a cessation of hostilities and efforts to reach a political solution.

Regarding chemical weapons, the JIM's findings mean that the Council is in a position to consider whether Syria is in breach of resolutions 2118, 2209 and 2235.

Options

While the Council has many tools at its disposal—such as imposing an arms embargo or targeted sanctions, referring Syria to the ICC or authorising a no-fly zone to deter Syria from using its aerial capacity—P5 divisions have made it impossible for the Council to fulfil its role in maintaining international peace and security in the case of Syria.

Regarding chemical weapons, if the Council is able to determine that Syria has violated resolutions 2118, 2209 and 2235, it has the option to pursue the threat of sanctions implicit in all three resolutions.

Council Dynamics

Several Council members are of the view that

the government's offensive in eastern Aleppo, which has continued almost uninterrupted since April, confirms the regime's preference for prolonged armed conflict over a negotiated settlement. There is also broad recognition that if fighting in Syria cannot be controlled, particularly in Aleppo, it will be close to impossible for UN mediation between the government and the opposition to resume.

Many Council members are aware that a diplomatic approach to resolve the crisis has become simultaneously ever more untenable and ever more urgent amidst signs that the conflict is likely to see further military escalation. Adding to the uncertain climate are the results of the US presidential election and how that may modify America's role in Syria in early 2017. It is unclear whether US foreign policy under the new administration will continue to support the Syrian opposition or whether it will pivot toward closer counter-terrorism cooperation with Russia.

With the depth of disagreement between Russia and the US over Syria, most members are of the view that it is impossible to break the Council's deadlock. These members expect that the P3 might press for sanctions against Syria over its non-compliance with resolutions 2118, 2209 and 2235 on chemical weapons. At press time, it was too early to gauge how broad the support might be for pursuing sanctions, but most Council members expect that if such a draft is tabled for a vote then Russia would cast its sixth veto on a Syria resolution.

Four of the P5 members (France, Russia, the UK and the US) are involved militarily in the Syrian war to varying degrees.

Counter-Terrorism

Expected Council Action

In December, Council members will hold a debate on international judicial cooperation on counter-terrorism. Justice ministers or attorneys general of Council members

have been invited to participate in the meeting, which will be chaired by Spanish Justice Minister Rafael Catalá. The adoption of a resolution is the anticipated outcome.

Background

The promotion of international judicial cooperation with the aim of bringing terrorists to justice has been one of the objectives of the Council's counter-terrorism efforts.

UN DOCUMENTS ON INTERNATIONAL JUDICIAL COOPERATION ON COUNTER-TERRORISM Security Council Resolution S/RES/1373 (28 September 2001) obliges all states to prevent and suppress the financing of terrorism. **Secretary-General's Report S/2016/830** (30 September 2016) was on the threat posed by the Islamic State of Iraq and the Levant to international peace and security and the range of UN efforts to counter it. **CTC Documents S/2015/975** (15 December 2015) was a CTED report on the implementation of resolution 2178. **S/2015/939** (15 December 2015) were the conclusions of a special meeting of the Counter-Terrorism Committee in Madrid on stemming the flow of foreign terrorist fighters. **S/2015/123** (18 February 2015) was a report on a seminar organised by CTED on challenges in prosecutions related to foreign terrorist fighters. **S/AC.40/2010/PG.3** (14 June 2010) was policy guidance on international cooperation adopted by the CTC.

Counter-Terrorism (con't)

Resolution 1373 of 28 September 2001 decided that member states shall “ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice”, and that they shall “afford one another the greatest measure of assistance in connection with criminal investigations”. It specifically called on member states to exchange information and cooperate on administrative and judicial matters to prevent terrorist acts.

In 2010, the Counter-Terrorism Committee (CTC) adopted policy guidance on international cooperation focused on ensuring the implementation of the legal obligations laid out in resolution 1373. In particular, it encouraged bilateral and multilateral judicial cooperation and reminded member states of their obligation to extradite or prosecute under applicable international counter-terrorism instruments to which they are parties. The policy guidance also recommended that member states expedite, simplify and give priority to extradition and mutual legal assistance requests in terrorism-related cases.

Challenges to international judicial cooperation have been amplified by the phenomenon of foreign terrorist fighters, which, by definition, has transnational elements. A February 2015 report of the CTC’s Executive Directorate (CTED) outlined some of the difficulties that those prosecuting these fighters face, including finding admissible evidence to support their cases, proving criminal intent and converting intelligence into evidence. In addition, a 15 December 2015 CTED report stated how the global use of mutual legal assistance procedures in place to enforce international judicial cooperation has been generally low, slow and cumbersome. As a response to these challenges, the CTC developed 35 guiding principles on foreign terrorist fighters (known as the Madrid principles), which included a section on criminalisation, prosecution and international cooperation to stem the flow of foreign terrorist fighters as well as the

rehabilitation and reintegration of returnees.

The issue of returnees has become increasingly important as military counter-terrorism operations evolve in Iraq and Syria. A 30 September report by the Secretary-General highlights the growing challenge to global security presented by the numbers of foreign terrorist fighters returning to their countries of origin, potentially intending to perpetrate attacks, in combination with those being radicalised within those countries.

Despite the legal obligation of states under international law to prosecute persons who commit serious international crimes where no other state has requested extradition (the principle of “aut dedere aut iudicare”), the Madrid principles highlight how the employment of rigid prosecution policies and practices against foreign terrorist fighters can be counterproductive. They advocated that member states should consider alternatives to incarceration, as well as the reintegration and possible rehabilitation of returnees, prisoners and detainees.

This year, the CTC has held several meetings to raise awareness and draw lessons learned on this issue. On 10 March, a CTC special meeting took place on the effective adjudication of terrorism cases, which emphasised the role that formal and informal cooperation among judges can play in ensuring accountability. On 17 November, the CTC held another meeting on international judicial cooperation.

Key Issues

Ensuring the efficiency of international judicial cooperation and enhancing the procedures for mutual legal assistance are related key issues.

Upholding the principle of accountability (prosecute or extradite) while developing strategies for the reintegration and rehabilitation of returnee foreign terrorist fighters is a related issue.

Options

The Council could adopt a resolution:

- calling on member states to devote efforts and resources to engage actively in international judicial cooperation on counter-terrorism and to respond swiftly to mutual legal assistance requests;
- encouraging member states to improve exchanges of admissible evidence to support cases being tried in other countries, particularly virtual evidence;
- encouraging member states to use more effective channels of communication, such as the submission of information through electronic or other means of telecommunication;
- calling on member states to be prepared to tackle the growing reality of returning foreign terrorist fighters and ensuring accountability, while encouraging them to consider alternatives to incarceration, when appropriate; and
- urging member states to update and appropriately resource a network of judicial focal points on counter-terrorism.

Council Dynamics

Despite some divergences over the politicisation of the issue in the Middle East, counter-terrorism continues to have overall unanimous support among Council members. The Council has repeatedly been made aware of the challenges to international judicial cooperation, but its involvement in addressing them has been limited to including language in resolutions or holding discussions at its subsidiary organs. The debate will be an opportunity to maintain the momentum of these discussions and raise awareness among member states about the importance of accelerating and improving judicial cooperation mechanisms. Spain’s initiative follows several high-level meetings on counter-terrorism that have involved ministers of interior (May 2015) and economy (December 2015) in an effort to engage the different departments within governments that might be involved in implementing Council resolutions.

Sudan (Darfur)

Expected Council Action

In December, Ambassador Rafael Ramírez Carreño (Venezuela), the chair of the 1591 Sudan Sanctions Committee, is expected to provide the quarterly briefing to Council members on the Committee's work. ICC Prosecutor Fatou Bensouda is expected to provide the semi-annual briefing to the Council on the Court's work on Darfur.

Key Recent Developments

The peace process in Darfur continues to falter. In late October, Amin Hassan Omer, the government's head Darfur negotiator, said that the government would not resume talks with the rebels in the near future, given their continued unwillingness to provide information on the location of their forces.

Amnesty International issued a report on 29 September alleging that government forces had used chemical weapons against civilians in the Jebel Marra area of Darfur this year, leading to the deaths of as many as 250 people. There has been fighting this year between the government and the Sudan Liberation Army-Abdul Wahid (SLA-AW) rebel group in the Jebel Marra, an area to which UN/AU Hybrid Operation in Darfur's (UNAMID) access has been significantly restricted. On 29 September, the Organisation for the Prohibition of Chemical Weapons (OPCW) said that "[w]ithout further information and evidence being made available, it is not possible at this stage to draw any conclusions" based on the Amnesty International report.

The Council received a briefing, followed by consultations, on UNAMID on 4 October from Under-Secretary-General for Peacekeeping Operations Hervé Ladsous. Ladsous said that heavy fighting had been reported since 17 September in the Jebel Marra region between government and the SLA-AW forces, but that the mission had been unable to verify the reports because of access restrictions imposed on UNAMID by the government. Ladsous encouraged Sudan to cooperate with any OPCW investigation regarding claims that it had used chemical weapons. However, the government has denied the claims, and on 22 October, in his first public response to

the Amnesty International report, Sudanese President Omar al-Bashir called the claims "empty lies" in a speech given to members of the ruling National Congress Party.

On 9 June, Bensouda provided the semi-annual Council briefing on the ICC's work with regard to Darfur. Bensouda asserted that the Council's inaction had made it possible for President al-Bashir—who in 2009 was indicted by the court for war crimes and crimes against humanity and in 2010 for genocide—to travel internationally without being apprehended, despite the court's arrest warrants against him.

On 27 September, Ramírez provided the quarterly briefing to Council members on the Sudan Sanctions Committee's work. He reported that a new Panel of Experts had been appointed in September and that the final report of the 2015 Panel of Experts had been published. Both the appointment of the Panel and the publication of last year's final report had been held up for several months by Russia. Ramírez also conveyed the contents of the 8 July briefing to the Sanctions Committee by Zainab Bangura, the Special Representative on Sexual Violence in Conflict, who expressed concern at the high rate of sexual violence in Darfur.

The Sudan Sanctions Committee met with the newly appointed Panel of Experts on 28 October. During the meeting, the Panel presented its programme of work and underscored its commitment to provide the committee with impartial and balanced reporting.

Key Issues

The underlying issue for the Council is the continuing instability of the security and humanitarian environment in Darfur, without progress on the political front.

Another key issue is whether the limited time the Panel of Experts has to operate will impact the thoroughness of its investigations. The Panel, appointed only in September, must submit its final report to the Council with findings and recommendations no later than 13 January 2017, according to resolution 2265.

A further important issue is the continuing impasse in the Council with regard to the

ICC's work in Darfur and whether a strategy to overcome this stalemate can be developed.

Options

With respect to the Sudan Sanctions Committee, members might consider extending the deadline for the final report of the current Panel of Experts to allow it more time to conduct its investigations.

Regarding the ICC, the Council could hold an informal interactive dialogue meeting with the Office of the Prosecutor to discuss next steps, given the divisions on the Council on the ICC and the recent withdrawal of Burundi, South Africa and The Gambia from the Rome Statute.

Council Dynamics

Views of Council members on the situation in Darfur vary widely. France, the UK and the US tend to be critical of the government of Sudan for contributing to the instability in Darfur, referring to human rights violations committed by government forces, the impunity for these violations and the government's lack of cooperation with UNAMID. Other Council members, including China, Egypt and Russia, stress the importance of Sudan's sovereignty and maintain that the government is making a good-faith effort to bring peace to Darfur. There are sharp divisions regarding the work of the ICC on Darfur.

The appointment of this year's Panel of Experts had been delayed for several months because Russia was not satisfied with the slate of experts initially proposed for the Panel by the UN Department of Political Affairs. Some of the individuals proposed had served on the 2015 Panel of Experts, which produced a final report that Russia maintained was biased against the government. Since sanctions committees operate by consensus, Russia was able to block the Committee from appointing a new Panel until September, when a new slate of potential experts was put forward that was acceptable to all Committee members.

The UK is the penholder on Darfur, while Venezuela chairs the 1591 Sudan Sanctions Committee.

UNDOF (Golan Heights)

Expected Council Action

In December, the Council is expected to extend for six months the mandate of the UN Disengagement Observer Force (UNDOF), which expires on 31 December. A representative of the Department of Peacekeeping Operations will brief Council members in consultations on the UNDOF report, due on 8 December.

UNDOF was established in 1974 to monitor the ceasefire between Israel and Syria.

Key Recent Developments

It has been a little more than two years since the spillover of the Syrian civil war into UNDOF's area of operations resulted in the relocation of most of the mission's peacekeepers from the Bravo (Syrian) side to the Alpha (Israeli) side of the ceasefire line in September 2014. The majority of UNDOF's 819 uniformed personnel remain based on the Israeli side, restricting mission mobility and operational capacity.

The September UNDOF report described the varying security environments in different sectors of the mission's area of operations. In the northern sector, the security situation improved, and in the central sector, clashes between government forces and armed opposition groups continued, albeit with decreasing intensity. In the southern sector, there was fighting between various armed opposition groups, particularly between Al Nusra Front and the Yarmouk Martyrs Brigade.

Given the improved security situation in the northern sector, on 14 November the UN reported an initial return of 150 troops from Fiji, India and Nepal to Camp Faouar. This limited return to the Bravo side was undertaken in line with resolution 2294, which welcomed the plan for a phased redeployment if and when security and operational conditions permitted. Prior to the redeployment, the UN secured agreement from Israel and Syria on procedures for the extraction of UNDOF personnel if an extreme situation arises.

The September UNDOF report also said that the ceasefire between Israel and Syria was largely maintained but that the situation remained volatile, with a significant number of breaches of the ceasefire line. The forthcoming December report is expected to detail further violations that have occurred since the last reporting period. On several occasions,

such as on 9 November and 4 September, Israeli forces targeted Syrian military positions after coming under errant fire from the Syrian side of the ceasefire line.

A more serious incident occurred on 13 September when an Israeli jet targeted Syrian military positions after a stray mortar struck the Israeli side of the ceasefire line. Syria then returned fire with two anti-aircraft missiles. The Syrian army claimed it downed an Israeli jet and drone, a claim denied by Israel, which said neither of its aircraft was compromised.

The situation in the Golan increases the possibility of escalating tensions between Israel and Syria, between Israel and Lebanon, and between Israel and Russia.

The 13 September incident provoked a statement from Russian Foreign Minister Sergey Lavrov, who said that Israel should show restraint and use airstrikes only if authorised by the Security Council. Since Russia commenced airstrikes in Syria in support of President Bashar al-Assad in September 2015, Israel and Russia have made arrangements to avoid "unnecessary confrontations" of their respective forces operating in Syrian airspace.

Tensions with Lebanon have been exacerbated because of the overt presence in the Golan of Hezbollah—the Tehran-backed Lebanese Shi'a militia fighting on the side of the Syrian regime. On 11 November, Israeli Prime Minister Benjamin Netanyahu told Russian Prime Minister Dmitry Medvedev during a meeting in Jerusalem that Israel would not allow Hezbollah to set up a front against it in the Golan.

Key Issues

Considering the security situation in the Golan, the full return of UNDOF to the Syrian side seems unlikely in the foreseeable future. This is a significant issue in as much as it constrains the mission's ability to carry out its monitoring tasks.

A re-emerging issue, given the partial redeployment to Camp Faouar, is the safety of UN personnel.

The other primary concern for the Council remains the ceasefire violations. The presence of Syrian armed forces and heavy weapons in the area of separation monitored by UNDOF, Syrian airstrikes, Israeli airstrikes, the 13 September incident, and artillery fire are all ceasefire violations. No military forces

other than those of UNDOF are allowed in the area of separation.

Options

The Council is somewhat constrained in its options for UNDOF. It was established as a Syria-based mission, and how it operates is subject to the disengagement agreement, with any changes requiring consent by Israel and Syria.

Nevertheless, in the resolution renewing UNDOF's mandate the Council could:

- reiterate the need for all parties to exercise restraint;
- urge Israel and Syria to allow the use of new technologies so UNDOF could better fulfil its observation tasks;
- urge Israel and Syria to allow the use of enhanced equipment for UNDOF's force protection capabilities;
- urge Israel and Syria to agree to establish more UNDOF crossing points between the Alpha and Bravo sides, since the Quneitra crossing was lost to rebel groups in September 2014; and
- urge Israel to allow UNDOF to establish more temporary observation posts on the Alpha side, given the mission's limited mobility there.

Council Dynamics

The Council has generally agreed that UNDOF contributes to stability in the region, in the absence of a peace agreement between Israel and Syria. While there is recognition that the mission's observation function has been significantly curtailed following its September 2014 relocation to the Alpha (Israeli) side of the ceasefire line, its liaison function remains particularly important to avoid further negative security implications for the region.

Israel and Syria value UNDOF's presence and want to see the return of the mission to the Bravo side. The security situation is still not conducive to the mission's full redeployment back to the Syrian side of the ceasefire line, but Council members unanimously support the initial redeployment to Camp Faouar. Council members are aware that ensuring the safety of these troops is particularly important to maintain the confidence of countries contributing troops to UNDOF.

Council members remain concerned about armed clashes in the area of operations

UNDOF (Golan Heights) (con't)

and about the tension between Israel and Syria along the armistice line, which has been

exacerbated by the presence of Hezbollah. Since June 2012, Russia and the US have

been the co-penholders on resolutions renewing UNDOF.

1540 Committee

Expected Council Action

In December, the Council is scheduled to hold a high-level debate and may adopt a resolution on the comprehensive review of the implementation of resolution 1540, which seeks to prevent the proliferation of weapons of mass destruction to non-state actors. Spain's Minister of Foreign Affairs, Alfonso María Dastis, is expected to chair the meeting.

In addition, Ambassador Román Oyarzun Marchesi (Spain), the chair of the 1540 Committee, which monitors implementation of resolution 1540 and has conducted the review, will brief the Council in a joint meeting with the other outgoing chairs of subsidiary bodies (please refer to a separate brief).

Background and Key Recent Developments

The upcoming debate and expected resolution will bring to conclusion a review process that has been taking place over more than a year and a half. It is the second comprehensive review of resolution 1540 since its adoption in 2004. The findings of the first review were endorsed in resolution 1977, adopted in 2011, in which the Council also extended until 25 April 2021 the mandate of the Committee and decided that it should conduct further reviews before December 2016 as well as prior to the renewal of its mandate.

The current process was launched on 28 April 2015, when the Committee approved a paper outlining the modalities for the conduct of the review, including timelines and key issues within its four main areas of work, namely monitoring and national implementation; assistance; international cooperation; and outreach and transparency. According to the paper, the review should aim to improve implementation of resolution 1540 by recommending specific actions. It should also analyse the operation of the Committee and make recommendations for adjustments if necessary. On 16 June 2015, Council members

issued a press statement to draw attention to the review process and encourage active engagement by member states, international organisations and civil society.

Over the past year, the comprehensive review has been a key focus of the work of the Committee, its four working groups and its nine-member Group of Experts. The work has involved extensive analysis of the status of implementation as well as consultations and outreach events. Also, at the initiative of Spain, a Group of Friends of Resolution 1540, open to all UN member states, held its inaugural meeting on 27 April in New York.

In the period since the chair last briefed the Council on 4 May, the Committee held a special meeting in Madrid on 12-13 May with participation from capitals to discuss the preliminary findings of the comprehensive review. This was followed by formal open consultations for all member states and representatives from relevant international organisations and civil society, including industry, held in New York from 20 to 22 June. The purpose of these consultations was for the Committee to share information and afford participants an opportunity to convey views on the comprehensive review for consideration by the Committee as it drafted its report to the Council.

In a related development, the Council on 23 August held an open debate at the initiative of Malaysia on the challenges in addressing the proliferation of weapons of mass destruction. The purpose of the debate, according to the concept note, was to contribute to the 1540 review process by providing an opportunity to discuss relevant issues.

The Committee began discussing the first draft of its report on 27 September. At press time, the Committee seemed close to reaching agreement on the report and its recommendations, but there were still a few outstanding issues. The report will be published as an official UN document following its submission to the Council.

Key Issues

The overarching issue for the Council is how to respond to the findings of the comprehensive review with a view to improving implementation of resolution 1540, amidst concerns about growing proliferation risks posed by the spread of terrorism and advances in the fields of science, technology and international commerce.

On the central issue of improving implementation, data analysis conducted in preparation of the review found progress in the rate of implementation over the last five years, with a global increase of seven percent in recorded measures taken by states. However, there were significant differences in terms of types of measures (such as legal action to prohibit activities of non-state actors versus export control measures), and there were also significant differences in the rate of implementation relating to the three types of weapons (nuclear, chemical and biological), as well as regional differences.

Another key issue addressed during the review is the need to improve the Committee's role in matching requests from states seeking implementation assistance with offers to help. Since the last comprehensive review, the Committee has received 14 requests for assistance and 45 offers. Despite the relatively high number of positive responses, however, there were very few examples of responses that directly addressed a request and had actually resulted in assistance being provided. In this context, there has been a growing focus on enhancing cooperation with international and regional organisations on technical assistance programmes.

A further key issue has been the importance of intensifying outreach and engagement with member states. An analysis by the Group of Experts of implementation data showed a positive correlation between states' participation in 1540 resolution-related events and their implementation of the resolution. The value of promoting cooperation

UN DOCUMENTS ON THE 1540 COMMITTEE [Security Council Resolution S/RES/1977](#) (20 April 2011) endorsed the first comprehensive review and extended the mandate of the 1540 committee. [Security Council Meeting Records S/PV.7758](#) (23 August 2016) was the meeting on proliferation challenges convened by Malaysia. [S/PV.7686](#) (4 May 2016) was the 1540 Committee chair's most recent briefing. [Security Council Press Statement SC/11929](#) (16 June 2015) was on the comprehensive review.

1540 Committee (con't)

with the private sector and civil society has also been part of the discussions.

Another question that has emerged during the review is whether there is a need to adjust and strengthen the Committee's administrative support structure to improve its ability to oversee implementation and make better use of existing resources.

Options

The main option for the Council is to adopt a resolution, as proposed by Spain, endorsing the comprehensive review and deciding on new measures aimed at improving implementation, such as:

- requesting the Group of Experts to develop new analytical tools on the basis of the so-called national matrices, which up until now have functioned as the primary method to organise data on implementation provided by member states, with a view to better address gaps in implementation;
- mandating the Group of Experts to be more proactive in conducting country visits and encouraging it to prioritise issues and regions of identified risk;
- requesting the Secretary-General to develop a more efficient support structure for the Committee;
- encouraging closer cooperation between

the Committee and relevant international organisations as well private sector stakeholders; and

- expressing the Council's intention to extend the mandate of the 1540 Committee and its Group of Experts indefinitely after the current mandate expires.

Council Dynamics

Although Council members generally agree on the importance of resolution 1540 and the need to enhance its implementation, there are important differences in their priorities and ambitions for the review. Russia and China have consistently said that there is no need for any radical changes, whereas Spain and other Council members, such as the UK and the US, made it clear from the beginning that they wanted a strong outcome. It seems the Committee, therefore, has had a difficult time reaching agreement on the report and in particular on the recommendations.

Contentious issues in the final discussions on the report have included among other things the question of how to address new threats, with the use of chemical weapons in Syria as an important backdrop; how to address gaps in implementation, with some expressing concern about anything that could be perceived as a "naming and shaming" or

placing undue burden on small, no-risk countries; whether to mandate the experts to approach countries on their own initiative to propose a visit instead of having to wait for an invitation to be extended; and whether to anticipate the indefinite extension of the mandate of the Committee.

A further contentious issue was a Spanish proposal to create a new Committee support structure involving the merger of the functions performed by the Office of Disarmament Affairs and the Group of Experts into a new non-proliferation directorate. It seems there was general concern about the budgetary implications of such a proposal, despite assurances that a cost-neutral solution would be possible. In addition, permanent members appeared wary that such a structure would weaken their influence on the work of the Committee.

At press time, it seemed that one of the final outstanding issues delaying agreement on the report was the question of whether to refer to the work of the UN-OPCW Joint Investigative Mechanism, the body mandated to determine responsibility for the use of chemical weapons in Syria, with some P5 members seen as expressing very strong views.

Afghanistan

Expected Council Action

In December, the Council will hold its quarterly debate on Afghanistan, during which it will consider the Secretary-General's report on the UN Assistance Mission in Afghanistan (UNAMA). The Secretary-General's Special Representative in Afghanistan, Tadamichi Yamamoto, is expected to brief. The Chair of the Sanctions Committee, Gerard van Boemen (New Zealand), may also brief on his recent visit to Afghanistan.

UNAMA's mandate expires on 17 March 2017.

Key Recent Developments

The insurgency continues to take a heavy toll

on the population and Afghan security forces as the security situation deteriorates.

The Islamic State of Iraq and the Levant (ISIL) has lost a significant part of the territory it previously controlled, but clashes between the Taliban and Afghan security forces have intensified, with the Taliban gaining more ground. The capitals of Helmand and Kunduz provinces remain under threat, with NATO airstrikes preventing the Taliban from overrunning them. (Kunduz city was briefly captured by the Taliban twice this year.) A suicide attack on 11 November outside the German consulate in Mazar-i-Sharif killed six people and wounded 120 others.

The Taliban refuses to enter a political

dialogue. However, the government was able to reach a reconciliation agreement with Gulbuddin Hekmatyar, leader of the Hizb-I Islami Gulbuddin (HIG) group, on 29 September.

During anti-Taliban operations on 3 November, a US airstrike near Kunduz City killed 32 people, mostly women and children. UNAMA called the loss of life "unacceptable" and said it will investigate the incident.

The ICC prosecutor is expected to announce soon whether she will open a formal investigation into the situation in Afghanistan. The prosecutor has been conducting a preliminary examination to assess allegations of crimes against humanity and war crimes

UN DOCUMENTS ON AFGHANISTAN Security Council Resolution S/RES/2274 (15 March 2016) renewed the mandate of UNAMA until 17 March 2017. **Security Council Presidential Statement S/PRST/2016/14** (14 September 2016) called on the international community to continue its civilian and development efforts to assist Afghanistan ahead of the 5 October Brussels Conference hosted by Afghanistan and the EU. **Secretary-General's Report S/2016/768** (7 September 2016) was on UNAMA. **Security Council Meeting Record S/PV.7771** (14 September 2016) was the quarterly debate on Afghanistan. **Sanctions-Related Documents S/2016/842** (4 October 2016) was the seventh report of the Monitoring Team assisting the Committee on the situation in Afghanistan. **SC/12510** (7 September 2016) amended and added details to 14 listings on the sanctions list.

Afghanistan (con't)

by the Taliban, torture and related ill-treatment by Afghan government forces, and torture and related ill-treatment by US forces deployed to Afghanistan.

On the political front, the power-sharing arrangement between President Ashraf Ghani and Chief Executive Abdullah Abdullah, which called for parliamentary elections and constitutional reforms by the end of September, will remain in place despite its formal expiry. The public tension between the two leaders continues to undermine stabilisation efforts in the country and much-needed reforms. In addition, seven out of 12 cabinet ministers, including the foreign minister, were sacked by the parliament for alleged shortcomings in their performance

The Council held its last quarterly debate on Afghanistan on 14 September. On the same day, the Council issued a presidential statement calling on the international community to continue its civilian and development efforts to assist Afghanistan, ahead of the 5 October Brussels Conference hosted by Afghanistan and the EU. During the Conference, pledges were made amounting to \$15.2 billion.

At a NATO conference in Warsaw on 8-9 July, NATO agreed to continue its financial support to the Afghan Security Forces through 2020 and to sustain its support mission assisting Afghan forces beyond 2016.

Sanctions-Related Developments

The 1988 Afghanistan Sanctions Committee met on 24 October with the head of the Shanghai Cooperation Organization to discuss counter-narcotics efforts in Afghanistan. The Committee also discussed the report of the Monitoring Team assisting the Committee, which it received on 3 October. The report states that the Taliban continues to be involved in the illegal extraction of natural resources and the opium trade. In addition, the report also notes that, according to some estimates, there are about 45,000 insurgents active

in Afghanistan; of these, around 20 to 25 percent are foreign terrorist fighters.

On 27 October, the Committee met with Afghanistan's UN mission to discuss reconciliation efforts in the country. On 14 November, the Committee met with the representative in Kabul of the UN Office on Drugs and Crime.

Van Bohemen visited Afghanistan between 11 and 13 November, as the Chair of the 1267 Committee, meeting with Ghani and several government ministers. Representatives from the US, Spain, the UK, and incoming Council member Kazakhstan (which is expected to chair the Committee next year), as well as two members of the Monitoring Team accompanied the Chair. A main theme in discussions was how to use the sanctions regime to bring the Taliban to the negotiating table, both by better implementation of sanctions against its members and by cracking down on its financing, such as through drug trafficking.

Human Rights-Related Developments

On 20 October, the independent expert on internally displaced persons (IDPs), Chaloka Beyani, released an end-of-mission statement following his 11 to 20 October mission to Afghanistan. The statement said that "many thousands live in dire conditions and face abject poverty on the margins of urban centres, often with little or no long-term assistance". Beyani called on the government of Afghanistan to intensify its efforts to meet the needs of hundreds of thousands of IDPs, warning that a deteriorating security situation could lead to massive new displacement. It also urged the international community "to remain consistent humanitarian and development partners at this critical time". The independent expert will present a report to the Human Rights Council in June 2017.

Key Issues

The ongoing key issue has been how to address the deteriorating security situation, its devastating impact on the country's stability and the toll the conflict is taking on the civilian population.

A related issue is whether it is possible to generate momentum for reconciliation efforts, given the continued heavy fighting between

the insurgency and government forces.

The link between the insurgency and drug production and trafficking is another ongoing issue.

Options

The Council could adopt a resolution or presidential statement that:

- deplores the high number of civilian casualties and demands that all sides avoid killing and injuring civilians, recalling that targeting civilians is a war crime;
- encourages efforts by the international community to support reconciliation in Afghanistan; and
- calls for accountability for alleged crimes committed.

The Council could also decide to visit Afghanistan to show its support for anti-insurgency, reconciliation and anti-corruption efforts, and to discuss how it can further assist efforts on the ground.

Council Dynamics

There is widespread concern among Council members about the deteriorating security environment and the toll that the conflict continues to take on civilians. There are also concerns about the fragility of the power-sharing arrangement. Council members hope that the successful NATO summit and Brussels Conference can assist in arresting the downward spiral and boost stabilisation and reform efforts.

Several Council members—in particular, France and Russia and, more recently, Egypt and Venezuela—have regularly raised concerns about the connection between the insurgency and drug production and trafficking.

Spain is the penholder on Afghanistan, and New Zealand is the chair of the 1988 Sanctions Committee.

Subsidiary Bodies

Expected Council Action

In an annual practice dating back to 2002, subsidiary body chairs from outgoing elected Security Council members are expected to

brief the Council in December. The meeting provides an opportunity for the chairs to review developments within the relevant committee or working group during their

term, assess their experience and suggest recommendations for improvements.

Ambassador Gaspar Martins (Angola) will brief on the Working Group on Conflict

UN DOCUMENTS ON SUBSIDIARY BODIES Security Council Meeting Records S/PV.7620 (11 February 2016) was the debate on the working methods of subsidiary bodies. S/PV.7586 (17 December 2015) was last year's briefing by outgoing subsidiary body chairs. Notes by the President of the Council S/2016/619 (15 July 2016) was on transitional arrangements for newly elected Council members. S/2016/170 (22 February 2016) was on the working methods of subsidiary bodies. Other S/2016/102 (2 February 2016) was the concept note for the 11 February debate.

Subsidiary Bodies (con't)

Prevention in Africa.

Ambassador Ramlan Ibrahim (Malaysia) will brief on the 1970 Libya Sanctions Committee and the Working Group on Children and Armed Conflict.

Ambassador Gerard von Bohemen (New Zealand) will brief on the 1267/1989/2253 Islamic State of Iraq and the Levant (ISIL) (Da'esh)/Al-Qaida Sanctions Committee and the 1988 Afghanistan Sanctions Committee.

Ambassador Román Oyarzun Marchesi (Spain) will brief on the 1718 Democratic People's Republic of Korea (DPRK) Sanctions Committee and the 1540 Non-Proliferation Committee.

Ambassador Rafael Ramírez Carreño (Venezuela) will brief on the 751/1907 Somalia-Eritrea Sanctions Committee and the 1591 Sudan Sanctions Committee.

Key Recent Developments

On 11 February, at the initiative of Venezuela, the Council held a debate on the working methods of Security Council subsidiary organs. A Note by the President issued on 22 February as a follow-up to the debate outlined a set of measures aimed at enhancing the transparency of subsidiary organs, improving the selection process and the preparation of chairs and increasing the interaction and coordination among subsidiary organs and between these bodies and the Council.

On 15 July, Council members agreed on another Note by the President, drafted by

Japan as chair of the Informal Working Group on Documentation and other Procedural Questions (IWG), concerning the preparation of newly elected members during the transitional period between the election and the beginning of their term, including the selection and preparation of chairs of subsidiary bodies. Among other things, the note calls on Council members “to make every effort to agree provisionally on the appointment of the chairs of the subsidiary organs for the following year no later than 1 October”. The note also reiterated that consultations on the appointment should begin as soon as possible after the elections and be conducted in a “balanced, transparent, efficient and inclusive way” by two members of the Council “working in full cooperation”, it being understood that the two members in question would be the IWG chair and one permanent member.

On the preparation of incoming chairs, the note encourages outgoing chairs to provide them with written and oral briefings and to hold informal meetings. It also notes that outgoing chairs should provide incoming chairs with all pertinent informal documents and background information and requests the Secretariat to consider further measures to support incoming chairs in their preparations.

Council members reached agreement on the appointment of new chairs for 2017 on 31 October. Incoming elected member Bolivia will take over the chairmanship of the 1540 Committee; Ethiopia, the Working Group

on Conflict Prevention in Africa; Italy, the 1718 DPRK Sanctions Committee; Kazakhstan, the 751/1907 Somalia-Eritrea, the 1267/1989/2253 ISIL/Da'esh/Al-Qaida and the 1988 Afghanistan Sanctions Committees; and Sweden, the 1970 Libya Sanctions Committee and the Working Group on Children and Armed Conflict. Current elected member Ukraine, which chairs the 2127 Central African Republic Sanctions Committee, will in addition take on the chairmanship of the 1591 Sudan Sanctions Committee.

Council Dynamics

The Council has been sharply divided between permanent and elected members on issues relating to the working methods of subsidiary organs. Despite the two presidential notes adopted by the Council this year regarding the need for greater transparency at the subsidiary level and improving the selection process and the preparation of chairs, it seems that elected members believe there is room for further improvement. Reaching agreement on the second note—on the selection and preparation of newly elected members during the transitional period—was difficult and took several weeks. (For more details, please refer to our 18 July What's in Blue story on working methods.) Also difficult was the implementation of the note, notably with regard to the appointment of new chairs, in a process led by Japan and the UK. The final decision was reached on 31 October, 30 days later than aimed for.

Human Trafficking

Expected Council Action

In December, Yury Fedotov, the head of the UN Office on Drugs and Crime (UNODC), will present the Secretary-General's report on human trafficking to the Security Council. In addition, Special Representative for Sexual Violence in Conflict Zainab Bangura may participate, along with a trafficking victim.

It is expected that a resolution will be adopted seeking to enhance international efforts to counter human trafficking.

Key Recent Developments

Human trafficking is a facet of many

situations the Council addresses, including Afghanistan, Boko Haram in Nigeria, the Central African Republic, the Democratic Republic of the Congo, Guinea-Bissau, Iraq, Libya, Mali, the Sahel, Somalia, South Sudan, Sudan, Syria and Yemen.

In December 2015, the Council adopted a presidential statement that condemned human trafficking and called on member states to consider ratifying or acceding to the UN Convention against Transnational Organized Crime and its Palermo Protocol. This statement gave particular prominence to violations committed by the Islamic State in Iraq

and the Levant (ISIL), Boko Haram and the Lord's Resistance Army (LRA), including sexual slavery, sexual exploitation and forced labour, which contribute to the groups' financing. It also called on the UN system and member states to proactively identify trafficking victims amongst vulnerable populations, and to address victims' needs in the context of its peacekeeping and peacebuilding efforts. The statement requested the Secretary-General to report back to the Council within the year.

The report that the Council requested was published on 10 November and identified several trends in both conflict and

UN DOCUMENTS ON HUMAN TRAFFICKING Security Council Presidential Statement S/PRST/2015/25 (16 December 2015) was on trafficking in persons in situations of conflict, with a particular focus on ISIS and the impact on women and children. Secretary-General's Report S/2016/949 (10 November 2016) was a report on trafficking in persons.

Human Trafficking (con't)

post-conflict settings. In the contemporary context of massive refugee and migrant flows, those fleeing conflict are vulnerable to trafficking, in particular women and children. Refugees and asylum seekers are vulnerable to kidnapping for the purposes of forced labour, exploitation of labour, sexual slavery, forced prostitution, organ harvesting or extortion of their family members.

Human trafficking within a conflict situation, especially in conflicts with high incidents of atrocity crimes, has led to sexual enslavement and the trade of women and girls, as well as forced marriage. Such tactics are openly used by such groups as Al Shabaab in Somalia, Boko Haram in Nigeria and ISIL in Iraq and Syria. Meanwhile, girls in refugee or internally displaced settings are particularly vulnerable to sexual exploitation and to their families' negative coping mechanisms, such as early marriage.

The report also describes the nexus among human trafficking, armed conflict and organised crime. An issue that has emerged in this context is the use of sexual enslavement by terrorist groups to recruit fighters by promising access to girls and women and the use of trafficking as a form of terrorist financing. As a result, member states' border control measures are vulnerable to exploitation by human traffickers working in collaboration with terrorist groups. Another issue is how trafficking networks are able to breed corruption in fragile governments, and exploit and prolong situations of instability, such as in Libya.

The report said that human trafficking continues in post-conflict settings. As an example, it cited how the presence of peacekeeping forces generates demand for sexual services that, in some cases, could be linked to trafficking for purposes of sexual exploitation, such as in the Central African Republic and Somalia.

Meanwhile, the Office of the Special Representative for Children and Armed Conflict has consistently monitored and reported on abductions of children and related violations. An example of human trafficking as a violation related to abductions is ISIL's forced conscription of boys as fighters. In April

2016—after the Council agreed in resolution 2225 to add abductions as a violation to trigger inclusion of a party in the annexes of the Secretary-General's annual report—six parties were listed for abduction: the Taliban in Afghanistan, the LRA in the DRC, Al-Shabaab in Somalia, ISIL in Iraq and Syria, Boko Haram in Nigeria and the government-aligned Sudan People's Liberation Movement in South Sudan.

Key Issues

Several issues are likely to emerge during the anticipated negotiations on the draft resolution. These include:

- whether the Council will explicitly acknowledge human trafficking as a crime against humanity;
- how the Council can use its existing sanctions regimes to address human trafficking;
- how the Council can address human trafficking when it is not specific to conflict and post-conflict situations, in particular in relation to conflict prevention; and
- how the Council can use reporting by the Special Representative for Sexual Violence in Conflict and the Special Representative for Children and Armed Conflict to enhance its own attention to these issues without overlooking the broader implications human trafficking has on peace and security.

Options

The Council could adopt a resolution that: reinforces the view that human trafficking, as a form of slavery, is a crime against humanity;

- calls on member states to ratify or accede to the UN Convention against Transnational Organized Crime and its Palermo Protocol;
- urges member states to more assiduously use existing counter-terrorism, financial and anti-money laundering mechanisms to counter human trafficking networks;
- enhances the access of trafficking victims to services and reparations by urging member states to extend refugee status to trafficking

victims and, where relevant, by also recognising them as victims of terrorism;

- urges relevant Council sanctions committees, in particular the 1267/1989/2253 Al Qaida/ISIL Sanctions Committee, to add human trafficking as listing criteria, and requests relevant expert groups assisting sanctions committees to report on human trafficking;
 - urges the UN system, in particular via peace operations, to work more cohesively on the protection of and the response to trafficking victims; and
- requests the Secretary-General to report regularly to the Council on this issue.

Council Dynamics

Most Council members anticipate that the same set of issues that were contentious during last year's negotiations on the presidential statement will re-emerge in negotiations on the anticipated resolution.

At that time, Russia resisted language specifying that certain acts associated with human trafficking (sexual slavery, sexual exploitation and forced labour) in armed conflict might constitute crimes against humanity or acts of genocide, only agreeing to include the reference to human trafficking as a war crime.

Russia also expressed some concerns about the issue of trafficking of children being addressed by the Security Council's Working Group on Children and Armed Conflict. Such arguments may be repeated this year in light of the fact that one issue the Council will need to address is how the agendas for children and armed conflict and conflict-related sexual violence can be framed in relation to the Council's own approach to human trafficking.

Last year China and Russia also displayed a degree of discomfort with language interpreted to be demands on domestic legal systems, in particular in relation to the need for countries to pursue strong accountability measures for trafficking and to ensure that trafficking victims are treated as victims of a crime, and not penalised for unlawful activities in which they were compelled to engage.

DPRK (North Korea)

Expected Council Action

In December, the Council is expected to hold a meeting on the human rights situation in the Democratic People's Republic of Korea (DPRK). At press time, a group of Council members including France, Japan, New Zealand, Spain, the UK, Ukraine, Uruguay, the US and most likely Malaysia, was planning to send a joint letter to the Council president requesting that such a meeting be convened.

This will be the third formal Council meeting on the human rights situation in the DPRK, following its 22 December 2014 decision to add "the situation in the DPRK" to its agenda as an item separate from the non-proliferation issue, in response to the findings of the February 2014 report of the commission of inquiry established by the Human Rights Council (HRC). The report documented widespread and systematic human rights violations in the DPRK, calling on the Council to consider referring the situation in the DPRK to the ICC and impose targeted sanctions against those individuals most responsible for crimes against humanity.

Key Recent Developments

Since the Council last considered the human rights situation in the DPRK in a meeting on 10 December 2015, international efforts to address the situation have continued in the HRC and the General Assembly. On 23 March, the HRC once again adopted a resolution recalling the findings of the commission of inquiry and condemning in the strongest terms "the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses" committed in the DPRK. It extended the mandate of the special rapporteur on the situation of human rights in the DPRK for one year and requested the High Commissioner to designate, for a period of six months, a maximum of two independent experts to support the work of the rapporteur with a focus on accountability for human rights violations, in particular crimes against humanity, and to recommend practical accountability mechanisms, including through the ICC.

On 1 August, Tomás Ojea Quintana assumed the position of special rapporteur, succeeding Marzuki Darusman. On 9

September, the High Commissioner appointed Sonja Biserko and Sara Hossain to serve as the independent experts on accountability. Their report will be presented to the HRC in March 2017 as an annex to the report by the special rapporteur.

The General Assembly's Third Committee considered the human rights situation in the DPRK in a meeting on 27 October, with a briefing by Quintana. The Committee had received the special rapporteur's report to the General Assembly on 26 September. That was followed on 7 October by the Secretary-General's report on the human rights situation in the DPRK.

In his briefing to the Committee, Quintana recalled that the international community's approach to the situation in the DPRK was based on a two-track agenda of pushing for accountability while at the same time calling for increased cooperation. He noted, however, that the increase in tension on the Korean Peninsula had continued to impede progress. According to Quintana, pressure to strengthen sanctions had made the DPRK authorities revert to a stance of "isolation, defensiveness and more investment in armament activity". He warned that increased militarisation would only worsen and threaten the livelihoods of the population. With regard to the situation more generally, Quintana said that a pattern of human rights violations had persisted and that the DPRK had failed to cooperate with other countries and with the HRC special procedures. At the same time, he welcomed the DPRK's recent submission of national reports to the Committee on the Elimination of Discrimination Against Women and to the Committee on the Rights of the Child.

The Secretary-General also concluded in his report that widespread human rights violations had continued in the DPRK, citing evidence of violations of the rights to life, liberty and security; the right to freedom of movement; the right to freedom of expression and access to information; the rights to food and health; the rights of the child; the rights of women; and the rights of persons with disabilities. He expressed serious concern that there had been no progress since the commission of inquiry's report, although the government had taken some positive steps to

engage with the international human rights system. Addressing the effect of sanctions, he said that resolution 2270 and additional unilateral sanctions had had a negative impact on the humanitarian operations of the UN. In particular, the blockage of the transfer of funds had delayed the delivery of humanitarian assistance and forced the UN to suspend some activities. He called on the international community to take urgent steps to minimise such unintended consequences.

On 15 November, the Third Committee adopted its annual resolution on the DPRK. The Committee reiterated its condemnation of human rights violations in the country and encouraged the Security Council to continue considering the recommendations of the commission of inquiry and take appropriate action to ensure accountability. The resolution was adopted without a vote, in a shift from the Committee's most recent sessions, when a number of countries voted against or abstained. Last year, the vote was 112 in favour, 19 against and 50 abstentions. This year's adoption, however, followed the practice prior to 2014. However, while there was no vote, 11 countries dissociated themselves from the resolution, including Council members China, Russia and Venezuela. The DPRK rejected the resolution as a representation of "extreme politicisation, selectivity and double standards" and called it illegal.

In his first visit to the region as special rapporteur, Quintana visited the Republic of Korea (ROK) from 16 to 22 November and Japan from 23 to 26 November. In announcing the mission, Quintana said the aim was to explore possible ways to take concrete steps to improve the situation of human rights in the DPRK through consultation with state officials, people who have left the country, families of abduction victims, civil society actors, journalists and other relevant stakeholders. Since the appointment of the first special rapporteur in 2004, successive mandate holders have made requests to visit the DPRK; however, access has so far not been granted. At a 15 November press conference in New York focusing on the resolution adopted by the Third Committee, the DPRK said that Quintana would never be invited to the country in his role as special rapporteur, noting that the government did not

UN DOCUMENTS ON THE DPRK Security Council Meeting Record S/PV.7575 (10 December 2015) was the last Council meeting on the human rights situation in the DPRK. **Other S/2016/988** (22 November 2016) was a letter from the DPRK. **A/C.3/71/L.23** (31 October 2016) was the draft General Assembly resolution on the DPRK adopted on 15 November. **A/71/439** (7 October 2016) was the Secretary-General's report on the human rights situation in the DPRK. **A/71/402** (26 September 2016) was the report of the special rapporteur on the situation of human rights in the DPRK. **A/HRC/RES/31/18** (23 March 2016) was the latest HRC resolution on the DPRK. **A/HRC/25/63** (7 February 2014) was the commission of inquiry report on the DPRK.

DPRK (North Korea) (con't)

recognise the mandate, but that he would be welcome as a private citizen. In parallel with Quintana's mission, the two accountability experts, Biserko and Hossain, visited the ROK from 21 to 25 November and Japan from 28 to 29 November. They held several meetings jointly with the special rapporteur with interlocutors in the region.

Sanctions-Related Developments

At press time, the Council was expected to adopt a new sanctions resolution against the DPRK on 30 November in response to the country's 9 September nuclear test. The chair of the 1718 DPRK Sanctions Committee, Ambassador Román Oyarzun (Spain), was scheduled to brief Council members, in consultations, on the work of the Committee after the adoption. In a 22 November letter to the Council president, the DPRK transmitted a memorandum explaining that "the DPRK's strengthening of its nuclear forces is a righteous choice to defend itself from the extreme moves from the US to stifle it."

Key Issues

A key issue for the Council is to assess the threat to international peace and security posed by the human rights violations in the DPRK. A related issue is the interlinkages that exist between these violations and Pyongyang's proliferation activities, as well as the adverse humanitarian impact of the diversion of funds for illicit purposes.

Another issue is how to balance the

two-track approach of promoting dialogue while at the same time pressing for accountability.

A further issue is the negative humanitarian impact of sanctions, as referred to by the Secretary-General in his report.

Options

In the short term, the main option for the Council is to hold a meeting in December as currently envisaged to further demonstrate the international community's grave concern about the continued human rights violations being committed in the DPRK. A further option would be to invite Quintana, who would be able to share findings from his recent visit to the region. Convening an Arria-formula meeting ahead of the formal Council meeting to hear from a wider range of briefers, including victims of human rights abuses, is also an option.

Other options include:

- requesting a report from the Secretary-General on the humanitarian situation in the DPRK with an in-depth analysis of the impact of sanctions;
- holding more frequent Council meetings under the agenda item "the situation in the DPRK";
- considering whether to expand the designation criteria in the DPRK sanctions regime to include violations against

international humanitarian and human rights law, as has been done in several other sanctions regimes; and

- discussing alternative approaches to ensuring accountability for crimes against humanity committed in the DPRK, given the fact that in the foreseeable future any attempt at referring the situation to the ICC or expanding the sanctions criteria is likely to be blocked by China.

Council Dynamics

Council positions on the human rights situation in the DPRK have not changed since last year. China remains strongly opposed to any discussion of the situation as it tends to believe the Council is not the right place to address human rights, a position shared by other Council members, including Egypt, Venezuela and Russia. China is therefore expected to object to the meeting in December, as it did in both 2014 and 2015, thus prompting a procedural vote. It is already clear, however, based on the number of Council members having signalled their position, that China does not have enough support to block the meeting. In the case of Council decisions of a procedural nature as specified in Article 27(2) of the UN Charter, just nine affirmative votes are needed for a decision to be adopted, and the veto does not apply.

The US is the penholder on the DPRK.

Yemen

Expected Council Action

In December, the Council is likely to receive a briefing from the Special Envoy for Yemen, Ismail Ould Cheikh Ahmed.

Key Recent Developments

Yemen's war between the government, supported by a Saudi Arabia-led coalition, and Zaydi Shiite Houthi rebels allied with forces loyal to former President Ali Abdullah Saleh has continued, amidst efforts to revive peace talks based on a new peace initiative.

On 8 October, coalition air strikes targeted a funeral in Sana'a for the father of a high-ranking Houthi official. Hundreds of people, including families and political and

tribal leaders, were present at the reception hall where the service was being held. More than 140 people were killed and at least 540 injured. The incident raised fears that the conflict would escalate. Following international criticism, the Saudi Arabia-led coalition announced the results of an internal investigation on 15 October that stated that the attack was based on inaccurate information from the Yemeni government.

Other signs of the war's escalation were a missile strike against a United Arab Emirates (UAE) vessel on 1 October and subsequent failed attacks against a US warship near the important shipping passage of Bab al-Mendab, followed by US cruise missile

strikes on 12 October against the Houthi radar sites believed responsible for the attacks. Council members issued a press statement on 4 October condemning the attack on the Emirati vessel but were unable to agree on a statement condemning the funeral strike. The UK subsequently informed members on 13 October that it would prepare a new cessation of hostilities resolution.

On 16 October, foreign ministers of the "Quad"—Saudi Arabia, the UAE, the UK and the US— and the Special Envoy met in London. Following the meeting, the UK announced it would wait to propose a Council resolution in anticipation of an agreement on a cessation of hostilities, and taking into

UN DOCUMENTS ON YEMEN [Security Council Resolution S/RES/2216](#) (14 April 2015) established an arms embargo on the Houthis and forces loyal to former president Saleh. [Security Council Meeting Record S/PV.7797](#) (31 October 2016) was a briefing by the Special Envoy, OCHA head Stephen O'Brien and WFP regional director Muhannad Hadi. [Security Council Press Statement SC/12541](#) (4 October 2016) condemned the 1 October attack by Houthi forces on a UAE vessel.

Yemen (con't)

account the Special Envoy's plans to return to the region to present the sides with a new roadmap for reaching a peace agreement. A renewable 72-hour cessation of hostilities went into effect on 19 October. Both sides alleged violations, and it was not renewed when it expired.

The Special Envoy presented the roadmap to the Houthis and the General People's Congress (GPC)—the party of former President Saleh—while in Sana'a from 23 to 25 October, and to Yemeni transition President Abdo Rabbo Mansour Hadi on 28 October in Riyadh. The roadmap envisions the Houthis and allied forces withdrawing from Sana'a, Taiz and Hodeidah while turning over heavy and medium weapons. After this, a new vice president would be appointed to whom Hadi would transfer his powers. A unity government would then be formed to oversee a new political transition.

The Houthis and GPC initially described the roadmap as “fundamentally flawed”. Hadi rejected the roadmap outright, claiming it “rewards the coup leaders” and is an “explicit departure” from resolution 2216.

On 15 November, US Secretary of State John Kerry announced that the Houthis, Saudi Arabia and the UAE had agreed to a cessation of hostilities beginning on 17 November. Kerry had met with the Houthis in Oman the evening before and announced the agreement after meeting Emirati and Saudi officials in Dubai. He further said that the Houthis had agreed to the roadmap as a basis for negotiations and that the parties “have agreed to work towards establishing a new national unity government...as a goal towards the end of the year”. The Yemeni government claimed it was never consulted on the new cessation of hostilities agreement and would not participate. The Special Envoy subsequently announced a 48-hour renewable cessation of hostilities beginning on 19 November, which would be marred by violence.

Addressing the humanitarian situation gained urgency as images emerged depicting starvation among Yemeni civilians. During a 31 October briefing, OCHA head Stephen O'Brien told the Council that Yemen is “one step away from famine”. Outbreaks of cholera were reported in October across 11 Yemeni governorates. Further complicating the humanitarian crisis has been the insolvency and political crisis of Yemen's Central Bank, which did not pay the salaries of civil servants in September and October.

Sanctions-Related Developments

On 17 October, the Panel of Experts submitted a preliminary analysis to the Yemen 2140 Sanctions Committee about the 8 October attack on the funeral in Sana'a, saying it involved at least two aircraft bombs. According to the Panel, evidence suggested that the Saudi Arabia-led coalition had violated international humanitarian law obligations.

Key Issues

A key issue is how the Council should support efforts to obtain a sustained cessation of hostilities and the resumption of peace talks.

Addressing the humanitarian crisis and widespread violations of international humanitarian law remain key issues.

The threat from Al-Qaida in the Arabian Peninsula and the Islamic State in Iraq and the Levant amidst the security vacuum created by the conflict remains a major concern.

Options

Depending on developments regarding current peace initiatives, the Council may adopt a resolution:

- demanding the sides to maintain or resume a cessation of hostilities; and
 - calling for the sides to return to negotiations on the basis of the roadmap or welcoming any expressed willingness to do so.
- The resolution could further:
- stress the importance of accountability for alleged breaches of international humanitarian law;
 - demand that the parties allow unhindered access for aid and comply with their obligations under international humanitarian law, including avoiding targeting civilian infrastructure and harming civilians;
 - demand the lifting of the ban on commercial flights to and from Sana'a;
 - call on member states to support the rehabilitation of port infrastructure, including the replacement of damaged cranes at Hodeidah port, to facilitate essential imports of food, fuel and other supplies; and
 - affirm that the UN Verification and Inspection Mechanism (UNVIM) should provide clearance to and oversee inspections of commercial shipments to Yemen in accordance with resolution 2216 and call on member states to fully cooperate with UNVIM.

Council and Wider Dynamics

Resolution 2216, adopted shortly after the start of the Saudi Arabia-led intervention,

demanding that the Houthis withdraw from captured areas and relinquish seized arms. The resolution has been frequently held up by the Yemeni government and the coalition as outlining the conditions to be fulfilled for ending the war, in particular regarding withdrawals and disarmament. It continues to underpin the framework for negotiations.

Despite frustration that the resolution has been used to inhibit progress in peace talks, the close relations of Council members, in particular the UK and the US, with Saudi Arabia have left most of them unwilling to depart from resolution 2216 as a basis for addressing the conflict. The 8 October air-strikes on the funeral in Sana'a may have changed this dynamic, demonstrated by the UK's announcing its intention to seek a new Yemen resolution that would call on the sides to resume negotiations on the basis of the roadmap. However, the UK has yet to propose a draft. The delay has been related, in part, to making sure a resolution reflects the realities of current peace initiatives amidst somewhat fluid developments. It has been speculated that the UK has used the prospect of a resolution to gain leverage with Saudi Arabia, which has opposed replacing resolution 2216.

Within the Council, Egypt, as a member of the coalition, champions positions of the Yemeni government and the coalition. At the 31 October briefing, it stated that its “red-lines” include its position that President Hadi represents the only legitimate government in Yemen, which may signal difficulties in gaining its support on a resolution that endorses the roadmap, especially if the government continues to oppose it. Russia tends to highlight the perspective of the Houthis and has played a role in making Council positions on Yemen more balanced. Russia has often raised the Yemen conflict in the face of criticism from the P3 regarding its role in Syria. During October, worsening tensions regarding Syria spilled over into the Council's consideration of Yemen.

The Quad, which emerged in July, has been critical in moving the renewed peace initiative forward following the breakdown of the Kuwait talks, with the US playing a key role in driving these efforts and developing the roadmap.

The UK is the penholder on Yemen.

Notable Dates for December

REPORT DUE	REPORTS FOR CONSIDERATION IN DECEMBER	REQUESTING DOCUMENT
8 November	Interim Report of the Panel of Experts to the 1970 Libya Sanctions Committee	S/RES/2278
10 November	SG report on trafficking in persons S/2016/949	S/PRST/2015/25
15 November	SG UNMIL assessment report (Liberia) S/2016/968	S/RES/2308
15 November	Interim Report of the Panel of Experts to the 2206 South Sudan Sanctions Committee (S/2016/963)	S/RES/2290
17 November	ICTY assessment report S/2016/976	S/RES/1534
17 November	Residual Mechanism's assessment report S/2016/975	S/RES/1966
28 November	OPCW report on the implementation of resolution 2118 (Syria chemical weapons)	S/RES/2118
28 November	SG report on UNSMIL (Libya)	S/RES/2291
30 November	SG report on UNOCA (Central Africa)	S/PRST/2015/25
8 December	SG report on UNDOF (Golan Heights)	S/RES/2294
13 December	SG report on UNAMA (Afghanistan)	S/RES/2274
15 December	SG report on the humanitarian situation in Syria	S/RES/2139

EXPIRY	MANDATE	RELEVANT DOCUMENT
15 December	UNMISS (South Sudan)	S/RES/2304
15 December	UNSMIL (Libya)	S/RES/2291
31 December	UNDOF (Golan Heights)	S/RES/2294
31 December	UNMIL (Liberia)	S/RES/2308

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