



SECURITY COUNCIL REPORT

MONTHLY FORECAST

APR 2011



31 March 2011

This report is available online and can be viewed together with Update Reports on developments during the month at www.securitycouncilreport.org

OVERVIEW FOR APRIL

Colombia will hold the Council presidency in April.

Haiti is among the top priority issues for Colombia and an open debate, most likely to be chaired by Colombian President Juan Manuel Santos, is expected early in the month. Expected to participate are also the Secretary-General and possibly his Special Envoy for Haiti, Bill Clinton.

Côte d'Ivoire and **Libya** seem likely to continue to be a major focus in April.

The quarterly open debate on the **Middle East** is due in April.

There is also a debate planned on the issue of **terrorism and weapons of mass destruction**, prior to the renewal of the mandate in resolution 1540.

Several **briefings** in formal meetings are planned during the month:

- by **DPA**, on current issues of concern, (this has now developed as a monthly practice since);
 - by South African Ambassador Baso Sangqu, Chairman of the 1540 Committee, at the outset of the debate on **terrorism and weapons of mass destruction**;
 - on **Iraq**, most likely by the head of UNAMI, Ad Melkert, to be followed by consultations;
 - on **Côte d'Ivoire**, possibly by the Special Representative of the Secretary-General, Choi Young-Jin, to be followed by consultations;
 - on **Sudan**, covering both Darfur and South Sudan, most likely by the head of UN Peacekeeping Department, Alain Le Roy, to be followed by consultations; and
 - on **small arms and light weapons**, possibly by High Representative for
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Aide-Memoire

Important matters pending include:

- The December 2004 report by the Secretary-General on human rights violations in **Côte d'Ivoire**, requested in a May 2004 presidential statement (S/PRST/2004/17), was never made public. Also on Côte d'Ivoire, the December 2005 report by the Secretary-General's Special Adviser on the Prevention of Genocide has not been published.
- A biennial report by the Secretary-General on small arms was requested in a presidential statement on 29 June 2007. The last such report was published in April 2008. (The overdue 2010 report may be submitted in April.)
- The Secretary-General has yet to revive his Advisory Committee on the **Prevention**

of Genocide. Its last meeting was held in 2008.

- On 11 November 2009 in resolution 1894 on **protection of civilians**, the Council requested the Secretary-General to develop guidance for UN operations on reporting. There has been no report back to the Council on this.
- The position of **Special Envoy for Myanmar** has not been filled since Ibrahim Gambari left the post in January 2009. (Vijay Nambiar, the Special Advisor to the Secretary-General, took on the position of Special Advisor to the Secretary-General on Myanmar in what was expected to be temporary role.)
- On 28 May 2010 in resolution 1925 on the mandate of MONUSCO, the operation

in the **DRC**, the Council requested the Secretary-General to elaborate the concept of operation and rules of engagement. The Secretary-General has yet to report back to the Council and the TCCs on this issue.

- Resolution 1904 in December 2009 indicated that the **expert groups assisting the three counterterrorism committees** (the 1267 Committee on Al-Qaida and Taliban sanctions, the 1373 Committee or CTC, and the 1540 Committee on weapons of mass destruction) should be co-located and asked the Secretary-General make the necessary arrangements "as soon as possible." This request, reiterated in September 2010

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Disarmament Affairs Sergio Duarte.

Briefings are also planned (but at press time the format was not decided) on:

- women, peace and security by the head of **UN Women**, Michelle Bachelet; and
- **sexual violence in conflict**, by the Secretary-General's Special Representative, Margot Wallström.

Briefings in informal consultations are likely on:

- the **Côte d'Ivoire** sanctions, by the chairperson of the 1572 Committee, Ambassador Maria Luiza Viotti of Brazil; and
- on **Western Sahara**, most likely by the Special Representative Hany Abdel-Aziz and Envoy Christopher Ross.

Formal meetings are expected to adopt resolutions on the:

- renewal of **1540 mandate** on terrorism and weapons of mass destruction;

- renewal of **Côte d'Ivoire** sanctions and panel of experts;
- renewal of the mandate of **the operation in Sudan, UNMIS**;
- renewal of the operation in **Western Sahara**; and
- piracy situation in **Somalia**.

The annual **Council retreat with the Secretary-General** is also planned in April but at press time the theme for the meeting had not been revealed.

Aide-Memoire (continued)

(S/PRST/2010/19), is still outstanding.

- **UNAMI reports on human rights in Iraq**, in the past were produced every two to three months. The last report, released in July 2010, covered the period from 1 July to 31 December 2009.
- The request in resolution 1460 on **Children and Armed Conflict** that all the Secretary-General's reports to the

Council on country-specific situations include the protection of children is not yet implemented. In 2009 protection of children elements had been incorporated into only half of the relevant country-specific reports.

- The mandate to the Secretary-General to assist with the delineation of the international borders of **Lebanon**,

especially Sheb'a Farms, in accordance with resolution 1701, continues to await completion.

- The Council requested the Secretariat on 21 November 2006 (S/2006/928) to update the index to Council notes and statements on **working methods**. This has not been published.

Status Update since our March Forecast

- **Liberia**: On 3 March, the Council adopted resolution 1971 that discontinued the authorisation of UNMIL military personnel to provide security for the Special Court of Sierra Leone in Freetown. On 16 March the head of UNMIL, Ellen Løj, briefed the Council on the situation in Liberia (S/PV.6495), followed by consultations. The chair of the Liberia configuration of the Peacebuilding Commission, Permanent Representative of Jordan to the UN, Prince Zeid Ra'ad Zeid Al-Husseini, and the Permanent Representative of Liberia to the UN, Marjon Kamara, also spoke.
- **Cyprus**: On 15 March, Special Adviser on Cyprus Alexander Downer briefed Council members in consultations on the status of the negotiations in Cyprus (S/2011/112). In the briefing, Downer said that talks between the two sides have intensified, yet little substantive progress has been made on the difficult issues of property, territory, and security and guarantees. He said that upcoming elections in Cyprus and Turkey might stall progress in the negotiations in the near future.
- **Afghanistan**: On 17 March, the Council

held an open debate on Afghanistan (S/PV.6497) and received a briefing from the head of the UNAMA on the report of the Secretary-General (S/2011/120). Permanent Representative of Afghanistan Zahir Tanin addressed the Council, as did Australia, Canada, Iran, Italy, Japan, New Zealand, Norway, Pakistan, Turkey and the EU. On 22 March the Council adopted resolution 1974 renewing the mandate of UNAMA for 12 months and calling for a comprehensive review of UNAMA's mandate before the end of 2011. The Council strengthened the language on the importance of Afghan leadership and the transition process, women's rights, sustainability of electoral processes and the threat posed by illicit drugs.

- **Kenya**: On 18 March, Council members held an interactive dialogue with the permanent representative of Kenya. AU representatives also attended. Kenya has been pursuing a deferral of the ICC proceedings and seeking a decision from the Council in accordance with Article 16 of the Rome Statute. On 31 January, the Assembly of the AU decided to support and endorse Kenya's position, and requested the African members on the

Security Council to place the issue on the Council's agenda (Assembly/AU/Dec.334(XVI)). During the interactive dialogue, Kenya argued that an Article 16 deferral would give it time to establish alternative domestic adjudicative mechanisms. Some Council members agreed that domestic adjudication was preferable under the complementarity principle of the Rome Statute, yet generally Council members were of the view that the situation in Kenya was not a threat to international peace and security such as justified the use of Article 16. Several members said that Council action is not warranted, and that a preferable venue for Kenya's arguments was the ICC itself, where it can raise the issue under Article 19 of the Rome Statute. At the end of the meeting, the AU representative expressed the hope that the Council would discuss the issue in informal consultations. However, no meetings are planned.

- **Iran**: On 22 March the chair of the Iran sanctions Committee, Ambassador Néstor Osorio of Colombia, briefed the Council that the committee had received reports from two member states regarding two possible sanctions violations related to the

ban on Iran procuring items that could be used in enrichment-related activities or for the development of nuclear-weapon delivery systems (S/PV.6502). He said the number of reported sanctions violations is a matter of serious concern. However, the willingness of member states to report violations is positive and should be encouraged. Osorio also said that on 4 March the committee was briefed by the coordinator of the panel of experts who said that in the first eight weeks of its activities the panel discussed its programme of work, investigated a reported violation of the arms embargo and conducted an assessment of member state implementation reports.

- **Middle East:** On 22 March, Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs, briefed the Council on developments related to the Quartet as well as various incidents (S/PV.6501). Council members continued in informal consultations and among the issues discussed was the next Quartet

meeting in mid-April (postponed from March). European Council members stressed that they were looking for stronger language on parameters as this could be key to persuading the Palestinians to go back to the negotiating table. Russia also brought up its proposal for a Council mission to the Middle East. There was support from a number of Council members. There was also a general sense that unified Council messaging on a number of key issues related to the region is essential if such a mission takes place.

- **Peacebuilding Commission:** On 23 March, the Council held a debate (S/PV.6503) to consider the fourth annual report of the PBC. Outgoing Chair of the PBC, Peter Wittig, briefed the Council. The incoming Chair of the PBC, Permanent Representative of Rwanda Eugène-Richard Gasana, also addressed the Council.
- **Sierra Leone:** On 24 March the Council received a briefing from the Executive

Representative of the Secretary-General in Sierra Leone, Michael von der Schulenberg, on the UN Integrated Peacebuilding Office in Sierra Leone (S/PV.6504). The briefing expanded upon the latest six-monthly report of the Secretary-General (S/2011/119) and was followed by consultations. The Foreign Minister of Sierra Leone, Joseph Dauda, and the Chair of the Sierra Leone configuration of the Peacebuilding Commission, Permanent Representative of Canada John McNee, also addressed the Council.

- **Lebanon:** On 29 March, Council members were briefed in consultations by Michael Williams, the Special Coordinator for Lebanon, on the Secretary-General's latest 1701 report (S/2011/91). In remarks to the press, Williams said the situation on the Blue Line was stable, Israeli overflights continued almost daily and that the situation in Syria could have a negative effect on the formation of the Lebanese government.

Côte d'Ivoire

Expected Council Action

The Council seems likely in April to increase the amount of attention it is giving to the situation in Côte d'Ivoire. Securing implementation of resolution 1975 adopted on 30 March under Chapter VII will be a major focus. But the rising pressure from ECOWAS for a more robust approach will also be a factor.

In addition the sanctions committee will discuss the sanctions regime. The report of the group of experts is also due to be considered in April. The Council is likely to renew the sanctions regime and the mandate of the group of experts, which expire on 30 April and additional names for targeted sanctions may be considered.

The Secretary-General's report on the peacekeeping operation, UNOCI, and the situation in Côte d'Ivoire was due on 31 March. The current mandate of UNOCI expires on 30 June.

Key Recent Developments

The security situation in Côte d'Ivoire has continued to deteriorate steadily. Despite an AU decision on 10 March confirming support for Ouattara, who is widely recog-

nised as the winner of the 28 November 2010 presidential elections, Laurent Gbagbo still refuses to cede office. Military clashes have escalated between Gbagbo's forces and former rebel *Forces Nouvelles*. At press time the former rebel *Forces Nouvelles* were reported to have captured five towns. Ouattara has recognised *Forces Nouvelles* and renamed them the Ivory Coast Republican Forces. Both sides have been using heavy weapons resulting in considerable casualties with 462 people reported killed and a sharp deterioration in the humanitarian situation.

At press time there were reports from the Office of the UN High Commissioner for Refugees (UNHCR) of up to a million displaced persons. Over 90,000 Ivorian refugees are estimated to be in Liberia. The Golf Hotel—which serves as the operational headquarters of Ouattara, who is being protected by the UN Operation in Côte d'Ivoire (UNOCI)—remains under siege by pro-Gbagbo forces. International rights bodies, such as Human Rights Watch, reported incidents of xenophobic attacks from both sides of the Ivorian political divide.

On 3 March the Council issued a press statement in which it condemned the

threats, obstructions and acts of violence by Gbagbo's forces against UN personnel and violence by all parties against civilians and urged UNOCI "to use all necessary means to carry out its mandate, in particular to protect the civilians".

On 3 March pro-Gbagbo security forces shot and killed seven women during a demonstration in the Abobo district of Abidjan by hundreds of women protesting against Gbagbo's continued stay in office.

On 10 March, the AU's Peace and Security Council (PSC) endorsed the recommendations of its high-level panel for the resolution of the Ivorian crisis. The PSC confirmed that Ouattara was the sole legitimate president of the country. It decided that he should lead a unity government, including pro-Gbagbo elements. The PSC also requested the Chair of the AU commission to appoint a High Representative for the implementation of the overall political solution proposed by the panel. The AU decision, was rejected by Gbagbo's camp.

On 17 March mortars were fired by forces loyal to Gbagbo into a market area in the Abobo district of Abidjan, resulting in the killing of more than 25 civilians with more

than 40 wounded. The Secretary-General condemned the attack and urged the Council “to take further measures with regard to the Ivorian individuals who are instigating, orchestrating and committing the violence.”

On 18 March the Gbagbo camp appealed for an inter-Ivorian dialogue and called for an end to the violence. However, Gbagbo’s minister for youth, Charles Blé Goudé (who has been on the Council’s sanctions list since 2006), subsequently called on young Ivorians to enlist in the army en masse “to free Côte d’Ivoire from bandits.”

On 21 March the Council conveyed to the press its “indignation” over the 17 March attacks on the market in Abobo. The Council reiterated its “determination to impose measures, including targeted sanctions, against those who impede the peaceful resolution of the crisis, obstruct the work of UNOCI and other international actors in Côte d’Ivoire or commit violations of human rights and international humanitarian law.”

On 21 March the chief prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, told the BBC that the court was gathering information on possible war crimes being committed in Côte d’Ivoire.

On 24 March ECOWAS requested the Security Council to strengthen the mandate of UNOCI, to enable the “Mission to use all necessary means to protect life and property, and to facilitate the immediate transfer of power to Ouattara”, as well as to “adopt more stringent international targeted sanctions” against Gbagbo and his associates. It recalled its decisions of 7 and 27 December 2010 (especially paragraph 10 of the latter which stated: “In the event that Mr. Gbagbo fails to heed [the] immutable demand of ECOWAS [to hand over power], the community would be left with no alternative but to take other measures, including the use of legitimate force, to achieve the goals of the Ivorian people.”) ECOWAS seemed to be indicating that it had lost confidence in AU leadership on the issue.

On 25 March the Human Rights Council decided to send an independent commission of inquiry to investigate allegations of serious abuses and violations of human rights committed in Côte d’Ivoire following the 28 November 2010 elections.

Also on 25 March, there was a briefing by the Department of Peacekeeping Operations and Nigeria and France circulated a draft resolution.

On 26 March Ouattara rejected the AU’s choice of Foreign Minister Jose Brito of Cape Verde as its High Representative for the implementation of the political solution recommended by the AU high level panel. Ouattara indicated that Brito’s close personal and political relationship with Gbagbo made him unsuitable for a mediatory role.

On 29 March the Gbagbo camp called for a ceasefire, seemingly trying to accept only part of the 10 March AU decision.

On 30 March, the Council adopted resolution 1975 imposing targeted sanctions against Gbagbo and four of his associates, including his wife. The resolution also welcomes AU and ECOWAS political initiatives towards finding a solution to the situation in Côte d’Ivoire and calls on all parties to pursue the overall political solution of the AU. The Council seems to support the AU PSC decision to appoint a high representative and called on all parties to “fully” cooperate with him. There were differences that emerged in the negotiations, including reservations by India, Russia and China about the wording of references to the ICC and the status of the declaration of 18 April 2003 by Côte d’Ivoire accepting jurisdiction of the ICC in terms of Article 13 of the Rome Statute, as well as how best to intensify the protection of civilians by UNOCI, with some emphasising the need for impartiality and others the need to prevent use of heavy weapons. Overall the resolution seems to be a compromise. The main new element is the application of sanctions to Gbagbo himself and his immediate circle. This partly satisfies the ECOWAS request for stringent measures while at the same time continues to leave some space for a political solution by endorsing the AU position.

Key Issues

A key issue in April, given the extension of targeted sanctions to Gbagbo and his circle, will be the role of the sanctions committee in assessing compliance with the sanctions regime.

A related issue will be how to ensure maximum impact of the sanction measures on their targets.

A second key issue for the Council will be closely monitoring the impact of UNOCI in implementing the enhanced protection of civilians task set out in resolution 1975 and also the repercussions for UNOCI itself.

Another issue will be whether to proceed with an additional list of individuals and new entities for targeted sanctions, as threatened in resolution 1975. The group of experts’ reportedly recently proposed six additional names and three new entities for targeted sanctions to Council members. Only three of the experts’ proposed additional names were reflected in the resolution 1975.

A major underlying issue for the Council is whether its decision in resolution 1975 to continue to throw weight behind the AU initiative will actually restore momentum to the peace process in Côte d’Ivoire, especially given the sense of frustration in ECOWAS with the dynamics in the AU. A closely related issue for the Council remains that of balancing its own role and the roles of the regional and subregional organisation in dealing with the matter.

Options

Options include:

- renewing the current sanctions regime without any significant changes;
- imposing new targeted sanctions on additional persons; and
- if the standoff continues, taking up the request by ECOWAS to support its decisions of December 2010, or other robust possibilities.

Council Dynamics

There is consensus among Council members about renewing the sanctions regime and the mandate of the group of experts. The Council’s stringent measures against Gbagbo in resolution 1975 have given new impetus within the Council for action to be taken in that regard.

The proposal by the group of experts seems to buttress the case for additional sanctions.

The US and European members of the Council appear ready to support additional sanctions, since the US and EU have already imposed sanctions on wider pro-Gbagbo elements. African members generally take a cue from related AU positions but in this case Gabon and Nigeria are supportive of the much stronger ECOWAS position. South Africa is more reluctant but

its role as a member of the AU High Level Panel that recommended recognition of Ouattara as the winner of the presidential elections is a key factor.

Russia and China, who have in the past expressed reservations about the imposition of sanctions, reportedly questioned the rationale for additional sanctions during the 25 March meeting but in the end agreed. Russia and China also seemed to accept the proposal to emphasise that UNOCI should use all possible means to carry out its mandate to protect civilians, provided it was done impartially so as not to prejudice prospects for a political solution.

Council members remain cautious about ECOWAS's December proposal for the Council to authorise formally a possible use of force by ECOWAS, because there is recognition of the fact that consensus may not be easily reached among members at this stage. While consensus exists among Council members about the need to address the deteriorating humanitarian situation in the country there currently is reticence among some Council about endorsing ECOWAS's use of force. (Russia, China and South Africa in particular had reservation about some aspects of ECOWAS's resolution and pushed for the Council to "note" rather than "welcome" it.)

UN Documents

Selected Council Resolutions

- S/RES/1975 (30 March 2011) imposed sanctions on Gbagbo and his circle.
- S/RES/1968 (16 February 2011) extended the mandate of troops temporarily deployed from UNMIL to UNOCI for another three months.
- S/RES/1967 (19 January 2011) authorised an increase of 2,000 troops in the overall strength of UNOCI military personnel and extended the mandate of troops temporarily deployed from UNMIL to UNOCI.
- S/RES/1946 (15 October 2010) renewed the sanctions and the mandate of the group of experts until 30 April.
- S/RES/1528 (27 February 2004) established UNOCI.

Latest Secretary-General's Report

- S/2010/600 (23 November 2010)

Selected Letters

- S/2011/182 (24 March 2011) was from

the delegation of Nigeria transmitting the ECOWAS resolution of 24 March to the Council, and requesting that it be discussed during consultations on 25 March 2011.

- S/2011/5 (7 January 2011) recommended additional military capacity to be authorised for UNOCI.
- S/2010/493 (23 September 2010) was from the Secretary-General informing the Council about the head of UNOCI's certification of the Ivorian electoral process.

Latest Press Statement

- SC/10191 (3 March 2011)

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

Choi Young-jin (Republic of Korea)

UNOCI Force Commander

Major General Gnakoudé Béréna (Togo)

UNOCI Police Commissioner

Maj. Gen. Jean Marie Bourry (France)

Chair of the Sanctions Committee

Maria Luiza Ribeiro Viotti (Brazil)

Size and Composition of UNOCI

Strength (as of 31 January 2011):
7,578 troops, 176 military observers, 1,270 police personnel, 389 international civilian personnel, 737 local staff and 255 UN volunteers

Approved Budget

1 July 2010-30 June 2011: \$485.1 million

Libya

Expected Council Action

In April, Council members are expecting the focus on Libya to continue. The Secretary-General's monthly briefing requested in resolution 1973 is due and a high level of activity in the Sanctions Committee is also expected.

The ICC prosecutor's report, requested in resolution 1970, is due on 26 April. (It seems that the prosecutor may brief the Council in early May.)

At press time, no new decisions were anticipated. However, Council members will continue to closely follow events on the ground and the implementation of resolutions 1970 and 1973, as well as



emerging developments from the relevant regional organisations.

Key Recent Developments

On 17 March the Council adopted resolution 1973, which authorised all necessary measures—excluding an occupation force—to protect civilians in Libya and enforce the arms embargo. The resolution also imposed a no-fly zone, strengthened the sanctions regime and established a panel of experts to support the 1970 Sanctions Committee on Libya. Ten Council members voted for the resolution (Bosnia and Herzegovina, Colombia, France, Gabon, Lebanon, Nigeria, Portugal, South Africa, the UK and the US) and five abstained (Brazil, China, Germany, India and Russia).

On 29 March, a conference in London agreed to form a contact group to support a Libyan transition to democracy and increase international pressure on Muammar al-Qaddafi to step down. France, the UK and the US as well as 34 other countries—nine of which are Arab and/or Muslim—as well as the Arab League, EU, NATO, the Organisation of the Islamic Conference (OIC) and the UN participated. A NATO meeting on 27 March in Brussels agreed that NATO would take over from the US the command and control of all military operations to enforce resolution 1973.

Media reports indicate that on 28 March Qatar recognised the Benghazi Transitional Council and the move appears to have the backing of the Gulf Cooperation Council. Qatar was also reported to have agreed with the Transitional Council to market the oil from areas under its control. Given the uncertainties about legitimate authority in Libya, it is unclear how this agreement will progress. But what is clear is that under resolution 1973 Tripoli cannot get revenue from any oil sales since such assets must be frozen.

On 28 March Ambassador José Cabral of Portugal, the chair of the 1970 Sanctions Committee, briefed Council members on the Committee's activities. It met formally for the first time on 25 March where working

methods were discussed. (At press time, it was unclear when the Panel of Experts would be finalised.)

On 25 March, UN Special Envoy Abdel-Elah Al-Khatib attended consultations at AU headquarters in Addis Ababa. Representatives of the AU Peace and Security Council, a majority of UN Security Council members (including the P5), the Arab League, the EU, the OIC, Libya's neighbouring countries and other parties attended. Also in attendance was a delegation from Tripoli. Benghazi was invited but unable to attend. A communiqué stressed the urgency of a ceasefire, political dialogue between the Libyan parties, the need to establish transitional mechanisms, and continued international coordination on the Libyan crisis. (The 25 March consultations followed-up a meeting of the AU Ad-Hoc High Level Committee on Libya of 19 March in Mauritania after its intended mission to Libya was postponed.)

On 24 March, the Secretary-General briefed Council members on measures taken by member states under resolution 1973 and informal consultations followed.

On 21 March, Council members met in informal consultations. The regime in Tripoli wrote to the Security Council on 19 March requesting a meeting and claiming that the adoption of resolutions 1970 and 1973 had "paved the way for military aggression against Libyan territory" and that the enforcement action taken under the resolutions violated international norms. (No Libyan representative was invited to participate at either the 21 or 24 March meetings.)

On 19 March, France hosted a meeting in Paris on Libya, attended by western and Arab states, the UN Secretary-General, the EU and Arab League. The communiqué called for collective and resolute action to implement resolution 1973, including the use of air power. Also on 19 March, France, the UK and the US began to carry out strikes under resolution 1973. Qatar flew its first sortie as part of the operation on 25 March.

On 18 March the Libyan regime in Tripoli said it would comply with the ceasefire called for in resolution 1973. On 19 March the Secretary-General said this could not be verified. On 24 March the Secretary-General said there was no evidence that the Tripoli regime was taking steps to implement a ceasefire.

Human Rights-Related Developments

On 10 March, High Commissioner for Human Rights Navi Pillay said aerial bombardment and the use of military-grade weapons and tanks by Tripoli against civilians in Libya would be investigated as possible crimes against humanity. Pillay expressed concern over accounts of summary executions, torture, rapes and disappearances. Referring to the decision of the Human Rights Council to form an independent international commission of inquiry into events in Libya and the Security Council's referral of the Libyan situation to the ICC, she cautioned that members of Libya's security forces should not believe they can commit such acts with impunity. (The commission of inquiry was appointed in March and is expected to report back to the Human Rights Council in June.)

Key Issues

A key issue for the Council, if it becomes clear that the capacity of the Qaddafi regime to attack civilians is diminishing and the significance of the Chapter VII military operations recedes, is whether it should seek to play a role in promoting an "end-game" in Libya, in effect bringing its Chapter VI powers into play. A related issue is whether the Council will move into a less active mode, leaving the political resolution work to regional organisations and contact groups.

A second key issue for the Council, especially if the threat to civilians becomes protracted, is likely to be the relative weight between implementation of the enforcement measures and the sanctions regime on the one hand and political dialogue between Tripoli and Benghazi on the other, especially in light of the divergence of views among members on the best approach to ending the Libyan conflict.

A third key issue is the related divergence among members as to whether resolution 1973 authorises the recent air attacks against Qaddafi's forces and the further complication as the Benghazi forces move to the offensive.

An immediate technical issue is ensuring that the Sanctions Committee and the forthcoming panel of experts are able to work efficiently. (The appointment of such panels in other sanctions regimes has had the tendency to be a very drawn-out process.)

Another issue is that it seems the arms embargo may be able to be legally interpreted as permitting supplies of arms to an alternative government if such weapons were to be used to protect civilians.

A potential issue for the Council, if the situation in Libya develops into a protracted conflict, is the humanitarian impact of the sanctions. (Libya is not prohibited from selling oil but cannot be paid). In this regard, there may be pressure for members to alleviate the impact on the population under Qaddafi's control.

The issue of appropriate Libyan representation at formal Council meetings could become problematic. At least one permanent member now recognises the Benghazi authorities which will compel the Council to proceed in a balanced and even innovative way on procedural issues and in references to the Libyan parties.

Options

An option for the Council is to develop a flexible and parallel focus on its conflict resolution and mediation role and on maintaining active lines of communication with relevant regional actors to open space for a political solution. In that regard, the Council could request a briefing by UN Special Envoy Khatib (who is expected to return shortly to Libya) on his talks with both sides of the Libyan conflict as well as his readouts from the 25 March meeting in Addis Ababa and the 29 March meeting in London on Libya. It could also seek regular interaction with the Arab League and with the AU's Ad-Hoc High Level Committee.

Another option, especially if the Tripoli regime is resistant to dialogue with Benghazi about meaningful political transition, is to take further measures against individuals. In that regard, an efficient Sanctions Committee and supporting panel of experts will be crucial in establishing and maintaining a flow of credible information on the implementation of resolutions 1970 and 1973.

A third option is to simply maintain the status quo for a month or so allowing the measures in place, both sanctions and enforcement provisions, to continue to bite on the Qaddafi regime on the basis that it is premature to try to negotiate.

Council Dynamics

All Council members are very concerned about the situation in Libya and the impact on civilians. However, unlike the unanimous adoption of resolution 1970, they are

divided on the best way to compel the Tripoli regime to cease all violence against civilians.

The five Council members who abstained on resolution 1973 seem to have had a range of reasons for their vote.

Of the ten members who voted for the resolution, some had reservations about the scope of military intervention that was being authorised. These concerns centred on a possible interpretation of resolution 1973 that might allow for the arming of the opposition and residual worries about the lack of a parallel strategy for a political solution. However, at the time of the vote there was a clear sense that decisive Council action could not be delayed. Nevertheless, it seems that the assessment among all these Council members is that the adoption of resolution 1973 successfully averted a large-scale humanitarian crisis.

Russia has been particularly concerned that the protection of civilians authorisation not creep into the use of military air power to support offensive action by the Benghazi forces. The sense of discomfort among Council members who abstained on resolution 1973 could affect the Council's ability to take further measures in the absence of a clearer strategy leading to a political end game in Libya.

Many Council members seem broadly agreed that keeping eyes cast forward to a political solution is a desirable outcome. However, concrete measures toward a political outcome are unlikely to gain traction with key Council members until there is a verified withdrawal of Tripoli's armed forces from positions threatening civilians and full humanitarian access.

US President Barack Obama on 28 March clarified that the goal of the military operation was to work with its allies to maintain the safety of civilians and that it was not to procure regime change by force. However, he also emphasised that the US would work to deny the Tripoli regime arms and cash, assist the opposition and pressure Qaddafi to leave power.

Most Council members have likewise stressed that resolution 1973 is designed to protect civilians and provide humanitarian access and that the political end game is for Libyans to choose their own future. However, few if any Council members seem to believe that it is a credible option to simply leave the Libyan parties to their own

devices. Moreover, many members of the Security Council in their national capacities have clearly said that Qaddafi has lost his legitimacy to lead and cannot be a part of that equation.

France has already recognised the Benghazi authorities and others may have moved—de facto—to this position.

UN Documents

Security Council Resolutions

- S/RES/1973 (17 March 2011) authorised all necessary measures to protect civilians in Libya and enforce the arms embargo, imposed a no-fly zone, strengthened the sanctions regime, and established a panel of experts.
- S/RES/1970 (26 February 2011) referred the situation in Libya to the ICC, imposed an arms embargo and targeted sanctions, and established a sanctions committee.

Security Council Meeting Records

- S/PV.6505 (24 March 2011) was the Secretary-General's briefing on implementation of a no-fly zone under resolution 1973.
- S/PV.6498 (17 March 2011) was on the adoption of resolution 1973.

Security Council Letter

- S/2011/161 (19 March 2011) was from the Libyan regime in Tripoli challenging the enforcement actions and requesting a meeting of the Council.

Other Relevant Facts

Chair of the UN Libya Sanctions Committee

Ambassador José Filipe Moraes Cabral (Portugal)

UN Special Envoy

Abdel-Elah Mohamed Al-Khatib (Jordan)

Human Rights Council Commission of Inquiry

Cherif Bassiouni (Egypt);
Asma Khader (Jordanian/Palestinian);
Philippe Kirsch (Canada)

AU Ad-Hoc High Level Committee

Heads of state of Congo, Mali, Mauritania, South Africa, Uganda and the chair of the AU Commission

Commander for NATO Operations under Resolution 1973

Lt. Gen. Charles Bouchard (Canada)



Sudan/Darfur

Expected Council Action

The Council will consider the quarterly report of the Secretary-General on UNAMID, due in mid-April. The Council is also expected to consider a report on the Darfur-based Political Process (DPP), which was due in late February. At press time there were indications that the two reports might be combined. It is expected that the head of UN Peacekeeping, Alain Le Roy, will brief the Council.

The mandate of UNAMID expires on 31 July.

Key Recent Developments

On 3 March, the Justice and Equality Movement (JEM), a Darfur rebel group, resumed peace negotiations with the government in Doha, joining the Liberation and Justice Movement (LJM). On 20 March the AU-UN Joint Chief Mediator for Darfur, Djibril Bassolé, announced the parties had agreed to four chapters of a peace agreement: human rights and fundamental freedoms; justice and reconciliation; compensation and return of internally displaced persons and refugees; and wealth sharing. Bassolé announced that a Darfur stakeholders' conference would be held in Doha on 18 April with the goal of establishing broad-based support.

A key unresolved issue in the talks is the administrative status of Darfur. On 2 March the Government of Sudan announced it would hold a referendum within three months on the special status of Darfur in accordance with the terms of the 2006 Darfur Peace Agreement (DPA). The government said it was legally obliged to implement the DPA until it was amended or abrogated by a new agreement. Only the Sudan Liberation Army led by Minni Minnawi signed the DPA. Minnawi has since rejected the agreement and his forces have resumed fighting government forces. Other main rebel groups—the SLA led by Abdul Wahid Nur (SLA-AW) and the JEM—refused to sign the DPA. One of the main reasons they gave was the provision in the agreement for a referendum to decide the status of Darfur. The Government of Sudan wants

Darfur's administrative status to be resolved ahead of the creation of a new Sudanese constitution following the independence of South Sudan. JEM negotiators at Doha said the timing of the referendum announcement undermined Bassolé's efforts and called it a "reckless and destructive step" and in contravention of framework agreements already signed.

Several days after announcing the referendum, the Government of Sudan declared its intention to create two more states in Darfur—Bahr Al-Arab State in south-east Darfur and Jebel Marra in central Darfur.

In early March fighting continued between the SLA-AW and government forces in the Jebel Marra area.

On 22 March Gambari met Abdul Wahid Nur, in Kampala, Uganda, and discussed ways to improve AU-UN Hybrid Mission in Darfur (UNAMID) access to rebel-held areas, enable humanitarian access and improve security for civilians in the Jebel Marra.

On 22 March, two UNAMID peacekeepers were seriously injured in an ambush near El Geneina, Western Darfur.

On 9 February the Council requested in a presidential statement that the Secretary-General report by the end of February on issues related to the DPP, including an assessment of the "enabling environment". The Secretary-General indicated to the Council that the report would not be available until late March. At press time the report was still not available.

On 7 March the International Criminal Court (ICC) confirmed war-crime charges against Darfur rebel leaders Abdallah Banda and Saleh Jerbo and ordered them to face trial. The crimes were allegedly committed during an attack on the compound of the AU Mission in Sudan at Haskanita on 29 September 2007 that resulted in the deaths of 12 peacekeepers.

On 8 March the Security Council released the final report of the Panel of Experts of the Sudan Sanctions Committee. Some of the Panel's recommendations to the Council, including clarifying the scope of, and exemptions to, the arms embargo, were addressed when the Council renewed the sanctions in resolution 1945. Other recommendations included:

- creating a better deterrent against attacks by armed groups directed at UNAMID and humanitarian aid workers; and

- in the context of the Doha talks, seeking specific information on individuals impeding the peace process.

Human Rights-Related Developments

Following his latest visit to Sudan, the UN Independent Expert on the situation of human rights in Sudan, Mohamed Chande Othman, issued a statement on 14 March deploring the situation of refugees displaced by intensified violence between government and rebel factions in Darfur. He described the continuing impact of those hostilities as "unacceptable." Based on first-hand experience gained when he visited camps for internally displaced persons in north Darfur, Othman said that the situation of refugees could reach "catastrophic levels" without immediate humanitarian assistance. The UN expert reported that he had raised the issue of impunity and accountability in Darfur with government officials. He said that he feared that violations of human rights would continue to occur in Darfur if the issues of justice and accountability were not addressed effectively.

Key Issues

A key issue for the Council is to determine whether UNAMID's more assertive approach to push for access in Darfur, announced in January, has been effective.

A further key issue for the Council is to clarify the role of UNAMID with regard to supporting the DPP. Related to this is the need for the Council to convey to the relevant parties the Council's preferences for how best to sequence the negotiations and outcomes of the Doha talks and on-the-ground initiatives such as the DPP.

An ongoing issue for the Council is how best to encourage all Darfur rebel groups to participate in the Doha talks.

Underlying Issues

There is limited information available on the security situation in Darfur owing to the lack of NGOs or independent media operating in the area.

Options

The Council could issue a statement further to its presidential statement of 9 February:

- reiterating its concern over ongoing violence in Darfur;
- urging all rebel groups to join the Doha talks; and
- commenting on the timing and the enabling environment for the DPP.

The Sudan Sanctions Committee could consider listing leaders of rebel groups refusing to participate in the Doha talks or who are otherwise undermining peace processes in Darfur.

Council Dynamics

Most Council members seem determined to continue to pay attention to the situation in Darfur, parallel to the heightened focus on implementation of the Comprehensive Peace Agreement over the past months. However, despite ongoing violence, it seems Darfur was not mentioned during Council discussions on Sudan during March. Council members seem to be looking for evidence as to whether UNAMID's more assertive posture is having any impact on its ability to protect civilians.

Council members want to know more about the progress of the Doha peace negotiations. Many members seem concerned that the recently announced initiatives of the Government of Sudan have the potential to confuse the Doha process. Many Council members seem concerned that some disconnect remains between the negotiations in Doha and the armed elements on the ground in Darfur. While there is support amongst Council members for peace initiatives that include the broadest possible participation of Darfuri society, many members are conscious that there are also risks in dual tracks and emphasise the importance of carefully sequencing the negotiations in Doha and any domestic process, such as the DPP. Most Council members seem to accept that the two processes can overlap if there is an appropriate enabling environment. Some Council members believe that any UNAMID assistance to the DPP should come from the AU side of UNAMID, and not be part of the UN's mandate.

The UK is the lead country in the Council on Darfur.

UN Documents

Selected Security Council Resolutions

- S/RES/1945 (14 October 2010) renewed the mandate of the Darfur Sanctions Panel of Experts.
- S/RES/1935 (30 July 2010) renewed UNAMID.
- S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC.
- S/RES/1591 (29 March 2005) and S/RES/1556 (30 July 2004) imposed sanctions.

Latest Secretary-General's Report

- S/2011/22 (18 January 2011) was on UNAMID.

affiliated with the Joint Integrated Units responsible for security in Abyei under the Kadugli agreement. UNMIS said its access to the affected areas was being blocked by elements from both sides.

On 16 March the Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect warned that the deployment of the SAF and the SPLA to the area could easily trigger further ethnic-based violence and risk a return to full-scale hostilities. On 19 March Sudanese authorities deployed an additional 1,500 policemen to the northern part of Abyei, which the Sudan People's Liberation Movement (SPLM) decried as an "open invasion".

On 13 March the SPLM announced it was withdrawing from talks with the National Congress Party (NCP) on the remaining implementation of the CPA, claiming to have evidence that northern military intelligence was arming southern militia in an effort to overthrow the Government of Southern Sudan. On 14 March the SPLM wrote to the Security Council requesting the Council to convene a meeting to investigate the accusations. This followed a series of deadly armed confrontations between the SPLA and various armed elements in Jonglei, Upper Nile and Unity states in February and March. The Presidency—Sudanese president Omer Al-Bashir, vice president Ali Osman Taha and southern Sudan president Salva Kiir—met on 17 March and agreed to resume talks.

The Council held a private meeting on 21 March, in which Khare again briefed the Council on the situation in Abyei and representatives of the Government of Sudan and the Government of Southern Sudan each put forward their perspective on the accusations levelled by the SPLM against the NCP regarding support to armed militia. Sudanese representatives said the southern government needed to stop blaming others for its internal problems. There was no specific outcome from the meeting, but it is understood that Council members were pleased to note that the parties had agreed to resume talks and that UNMIS was chairing a joint investigation into the violence.

Selected Security Council Meeting Record

- S/PV.6478 (9 February 2011) were briefings to the Council on the occasion of the formal announcement of the results of the Southern Sudan referendum.

Other

- S/2011/128 (11 March 2011) was a letter from the government of Sudan to the president of the Security Council explaining the referendum on the administrative status of Darfur.
- S/2011/111 (8 March 2011) was a note by the president of the Council circulating the final report of the panel of experts of the Sudan Sanctions Committee dated 20 September 2010.
- S/2011/96 (24 February 2011) was a letter from the Secretary-General informing the Security Council of the appointment of the final member of the panel of experts.
- S/PRST/2011/3 (9 February 2011) was the presidential statement on the occasion of the announcement of the formal results of the Southern Sudan referendum.

Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Ibrahim Gambari (Nigeria)

UNAMID: Force Commander

Lt. Gen. Patrick Nyamvumba (Rwanda)

UNAMID: Size, Composition, Cost and Duration

Maximum authorised strength:

up to 19,555 military personnel, 3,772 police and 19 formed police units (total police 6,432)

Main troop contributors: Nigeria,

Rwanda, Egypt, Ethiopia and Senegal
Military strength as of 28 February 2011: 17,711 military personnel

Police Strength as of 28 February 2011:

5,109 police personnel

Annual Budget: \$1.81 billion

Duration: 31 July 2007 to present; mandate expires 31 July 2011

Sanctions Committee Chairman

Néstor Osorio (Colombia)

Panel of Experts

Rajiva Sinha (India):

finance and coordinator of the panel
 Claudio Gramizzi (Italy): arms

Michael Lewis (UK): aviation
 Hesham Nasr (Egypt): international humanitarian law
 Jérôme Tubiana (France): regional

Joint AU-UN Chief Mediator

Djibril Yipènè Bassolé (Burkina Faso)

South Sudan

Expected Council Action

The Council will consider the Secretary-General's report on UNMIS which is due in mid-April and will also receive a briefing from the Secretariat.

The current mandate for UNMIS expires 30 April and the Council is expected to renew it at current force levels until 9 July and include language in the resolution indicating its intention to authorise a successor UN mission in South Sudan following the country's independence. A special report of the Secretary-General with recommendations on the mandate and size of a new mission in South Sudan is expected in early May.

Key Recent Developments

The parties to the Comprehensive Peace Agreement (CPA) have yet to reach agreement on the status of Abyei. On 27 and 28 February, more than 80 people were killed in fighting, north of Abyei town, between the Misseriya nomadic tribe and Southern Sudanese police and members of the Ngok Dinka community. Fighting continued on 2 March, with Abyei administration officials estimating a further 68 deaths. Each side accuses the other of instigating the attacks. On 3 March, the UN Mission in Sudan (UNMIS) started reinforcing its presence in Abyei. The head of UNMIS, Haile Menkerios, said the clashes were a clear violation of the Kadugli agreements of 13 and 17 January. The medical aid group *Médecins Sans Frontières* said the violence had resulted in the displacement of tens of thousands.

The Council held consultations on the situation in Abyei on 3 March and received a briefing from Assistant Secretary-General of Peacekeeping Atul Khare. On 4 March, Menkerios hosted a meeting in Abyei town in which CPA parties agreed to form a committee to implement the Kadugli agreements. On 14 March, UNMIS verified that both sides had reinforced their positions within the Abyei area, including confirming the presence of Sudanese Armed Forces (SAF) and Sudanese People's Liberation Army (SPLA) troops not

On 27 February at least 92 people were killed in renewed armed confrontation between the SPLA and armed elements loyal to former SPLA General George Athor in Fangak, Jonglei state. This followed violence earlier in February that had killed over 200 people, mostly civilians. On 7 March the SPLA launched an attack on Athor's forces in Jonglei. The SPLA claimed to have seized 500 AK-47s and other weapons. Athor accused the SPLA of subsequently burning down six villages considered loyal to Athor, killing 168 civilians. On 18 March there were reports of further heavy fighting in Duk County, Jonglei state between the SPLA and Athor's forces.

On 6 March there were clashes in Upper Nile state between the SPLA and an armed militia led by a commander called "Olonyi"—whom Athor claims is aligned with his rebellion—with estimates of over 60 deaths. On 12 March fighting resumed between the SPLA and Olonyi's forces around the airport and SPLA barracks in Malakal, Upper Nile state, resulting in at least 49 deaths. The SPLM accused Olonyi's militia of being ethnically linked to a breakaway faction of the SPLM, the Sudan People's Liberation Movement for Democratic Change (SPLM-DC), led by former Sudanese Foreign Minister Lam Akol. Akol was one of a number of generals that split from the SPLA in 1991, but rejoined prior to the signing of the CPA in 2005. The SPLM produced documents that alleged links between Akol and the northern military intelligence, which the Government of Sudan claimed were forgeries. The secretary-general of the SPLM-DC denied the party was affiliated with any armed militia and accused the SPLM of using such accusations to stifle other political parties in South Sudan and create a one-party state.

On 17 March there was fighting between the SPLA and a militia composed of southern elements of the SAF that had returned to Mayom County, Unity state from northern Sudan—whom had failed in previous negotiations to integrate into the SPLA—resulting in over 30 deaths and 28 wounded. It is unclear if this group has aligned with Athor.

At press time UNMIS was investigating reports of aerial bombings by the SAF on 21 and 22 March in the southern Sudanese state of Northern Bahr El-Ghazal.

The UN Secretariat undertook a technical assessment mission to Sudan in March to

consider the mandate and size of a successor mission to UNMIS. The Secretary-General is expected to report his recommendations to the Council in early May.

Human Rights-Related Developments

On 14 March, following his latest visit to Southern Sudan and to Abyei, the UN Independent Expert on the situation of human rights in Sudan, Mohamed Chande Othman, issued a statement noting that tension in the region had been high due to the delayed referendum for Abyei and restrictions on the movement of southerners. He expressed concern about the increasing loss of lives and displacements of civilians caused by fighting between the SPLA and militia groups, inter-communal violence and criminality. He added that the "lack of accountability and impunity associated with these incidents will continue to adversely impact on the peace, stability and security of the region." The UN expert urged all parties involved in violence in Southern Sudan to refrain from actions that violated the rights of citizens and hindered flows of humanitarian assistance. Also on 14 March, the Secretary-General expressed his deep concern with the continued tension and violence in the Abyei area. He urged north and south Sudan leaders to restrain local communities in Abyei and to implement the provisions contained in the UN-mediated accord signed on 4 March to defuse tension in the area. The Secretary-General appealed to both parties to allow UNMIS unhindered access to areas of conflict and urged the NCP and SPLM to defuse tensions and prevent further escalation as a matter of priority.

Key Issues

A key issue for the Council is the looming question of the financial requirements for the successor mission to UNMIS in April. A short two-month rollover complicates formal planning and also discussions with possible troop-contributors.

An ongoing issue for the Council remains how to maintain pressure on the CPA parties to ensure agreement is reached on outstanding issues in the implementation of the CPA including the status of Abyei.

Underlying Issues

The violence in southern Sudan highlights the historic divisions in the region that remain to be overcome within the new

institutions of southern Sudan, as well as the broader need to disarm and reintegrate former combatants.

The SPLM accusations underline the low level of trust and goodwill between the CPA parties and do not augur well for the timely resolution of issues in the negotiations.

Options

When renewing the UNMIS mandate, the Council could:

- authorise a simple "technical rollover"—maintaining UNMIS at its current mandate and force level—until 9 July, the end of the interim period outlined by the CPA;
- authorise a technical rollover and indicate the Council's intention to authorise a future mission in South Sudan, upon its independence, with language allowing the UN Secretariat to seek authority to commit funds toward a new mission from the General Assembly; or
- adopt a resolution which also includes language regarding the imperative of the parties reaching agreement on outstanding matters, including Abyei, and the responsibility of all parties to protect civilians from violence in Abyei and southern Sudan.

With respect to the situation in Abyei, the Council could also request a briefing from the Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect.

Council Dynamics

Many Council members are concerned about the level of violence in Abyei and between the SPLA and armed militia in southern Sudan. Most on the Council recognise the importance of a political agreement on Abyei to pave the way for reconciliation between the two communities, as well as agreement on key CPA issues including citizenship and wealth-sharing that members perceive are at the core of resolving the issues in Abyei.

Council members seem wary of taking sides with regard to the accusations from the south against the north, given the difficulty of independently verifying the situation.

Most Council members seem to be focused at this stage on gathering information as they consider the most suitable mandate and size of a successor mission to UNMIS. Some, including the UK, US and France, have recently sent their Council experts on short visits to Sudan. Members seem to be

in agreement that the special report of the Secretary-General on the successor mission will be a key planning document.

Council members seem to accept that they need to address initial funding of the new mission in South Sudan prior to the finalisation and authorisation of its mandate. Council experts appear to be seeking advice from their colleagues on the General Assembly's budget committee regarding the technical details of what is required by the Council to enable the General Assembly to authorise an initial level of funding to the successor mission.

The US is the lead country in the Council on implementation of the CPA.

UN Documents

Selected Security Council Resolution

- S/RES/1919 (29 April 2010) renewed UNMIS.

Latest Secretary-General's Report

- S/2010/681 (31 December 2010) was on UNMIS.

Selected Security Council Meeting Record

- S/PV.6478 (9 February 2011) were briefings to the Council on the occasion of the formal announcement of the results of the Southern Sudan referendum.

Other

- SC/10192 (3 March 2011) was the press statement issued by the Council in response to violence in Abyei and Jonglei State.
- S/PRST/2011/3 (9 February 2011) was the statement issued by the Council on the occasion of the announcement of the formal results of the Southern Sudan referendum.

Other Relevant Facts

UNMIS: Special Representative of the Secretary-General and Head of Mission

Haile Menkerios (South Africa)

UNMIS: Force Commander

Maj. Gen. Moses Bisong Obi (Nigeria)

UNMIS: Size, Composition, Cost and Duration

Maximum authorised strength: up to 10,000 military and 715 police personnel
Main troop contributors: India, Bangladesh, Egypt, Pakistan and Kenya
Military strength as of 31 January 2011: 9,304 military personnel

Police Strength as of 31 January 2011:

702 police personnel

Annual Budget: \$1 billion

Duration: 24 March 2005 to present; mandate expires 30 April 2011.

Haiti

Expected Council Action

A report from the Secretary-General on the UN Stabilisation Mission in Haiti, MINUSTAH, is due by 15 April. An open debate on Haiti is likely on 6 April, at the initiative of Colombia, Council president for April. It is possible that a presidential statement might result.

The MINUSTAH mandate expires on 15 October.

Key Recent Developments

On 16 January former Haitian president Jean-Claude Duvalier returned to the country. (Duvalier was overthrown 25 years previously and had been living in exile in France.) On 18 January, Haitian authorities questioned him and charged him with corruption and embezzlement during the years of his rule. Duvalier was released the same day and a court will apparently decide in April whether the charges against him can proceed. In addition, several Haitians have filed separate charges against Duvalier for torture and crimes against humanity.

On 3 February, Haiti's Provisional Electoral Council announced revised preliminary results from the first round of voting on 28 November 2010, concluding that former first lady Mirlande Manigat and popular singer Michel Martelly were now the top two candidates. Ruling party candidate Jude Celestin was declared to have come in third. This reversed earlier results that had placed Celestin in the runoff election scheduled for 20 March and was consistent with a report issued in January by the Organisation of American States (OAS) on allegations of irregularities in the first round voting. The UN Secretary-General welcomed the revised results.

On 18 February thousands of followers of former president Jean-Bertrand Aristide marched in support of his return to Haiti. The march concluded peacefully. (Aristide's Fanmi Lavalas party was excluded from the first round of elections in November because of registration problems; Aristide had been forced to leave the country in 2004.)



On 16 March a statement by MINUSTAH voiced concern over violence connected to some political campaigning in the leadup to the 20 March runoff election and called on all candidates to avoid threats, intimidation and harassment.

Aristide returned to Haiti on 18 March from exile in South Africa. Thousands of supporters took to the streets to welcome his return. Aristide has said that he will not seek an active role in Haitian politics, but on his return to the country he criticised the exclusion of his Fanmi Lavalas party from the national elections. A US government spokesman said the US was concerned that his return just before the election could destabilise the country.

On 20 March, Haiti held legislative elections and the presidential run-off between Martelly and Manigat. Steps were taken to ensure a better electoral process than in first-round voting in November 2010. The OAS increased the number of its observers, electoral sheets were colour-coded and a code of conduct was developed for individuals present at polling centres. Problems, such as polling stations opening late due to lack of ballot paper and ink, were initially reported at some locations. However, these seem to have been resolved relatively quickly. Polling hours were extended by an hour in some locations to compensate for a late start. Observers said the conduct of the voting appeared to be smoother than was the case in November. Preliminary results are expected by 31 March, with a final tally by 16 April.

On 21 March, MINUSTAH urged all candidates in the run-off presidential and legislative elections and their followers to exercise restraint and be patient as the voting results were tallied.

Colombia has informed Council members that during its presidency it intends to highlight the situation in Haiti with a view to making it a higher priority on the Council agenda. Colombia's President Juan Manuel Santos is expected to preside over the open debate scheduled for 6 April. It appears likely that some other Council members will be represented at the ministerial level. It is possible that Bill Clinton may attend in his

capacity as UN Special Envoy for Haiti and co-chair of the Interim Haiti Recovery Commission. The concept paper for the debate emphasises that reconstruction and humanitarian programmes in Haiti should aim to achieve both peace and security on the one hand and social and economic development on the other. (In this sense the Colombian initiative is linked to the thematic initiative by Brazil in February and the content of S/PRST/2011/4 is relevant.) Colombia hopes that the open debate will provide better answers to the question how to better contribute to peace, security and development in Haiti. While accepting that proper weight must be given to the existing mandate of MINUSTAH, the paper points out that the exceptional nature of the situation confronting Haiti means that there is an acute need to understand the link between security and development in a case-specific way and to develop the means to act on that linkage.

In late March discussions apparently began at the expert level on the draft text of a presidential statement to be approved at the open debate. Members of the Group of Friends of Haiti (composed of Argentina, Brazil, Canada, Chile, Colombia, France, Peru, Uruguay and the US) had previously discussed such a draft.

Human Rights-Related Developments

Marking the recent anniversary of the Haiti earthquake, the High Commissioner for Human Rights, Navi Pillay, acknowledged the significant efforts by the Haitian government and the international community to address the challenges facing the country. But Pillay expressed deep concern over some human rights issues that required urgent attention by the authorities. In particular, she saw the need for a comprehensive long-term plan so that the state, with the support of the international community, could provide “durable solutions regarding access to basic services, both for those living in camps and those living in slums, in line with its human rights responsibilities.” (The UN humanitarian coordinator has estimated that as of 1 January, there were 810,000 people living in the 1,150 camps that still exist in Haiti, down from its peak of 1.5 million in July.) Pillay also emphasised the need for much improved access to adequate shelter, water, sanitation, education and health care, including a strengthened cholera-awareness campaign.

Key Issues

A key issue for the Council is whether it can overcome past reluctance by some members to better linking the international efforts to reconstruct and develop Haiti with the existing mandate of the mission.

A related underlying issue that has broader implications for other UN missions is the issue of achieving a more seamless relationship between peacekeeping and peacebuilding activities, as has been acknowledged by the Council in numerous presidential statements (S/PRST/2009/23, S/PRST/2009/24, S/PRST/2010/2, S/PRST/2010/7, S/PRST/2010/14, S/PRST/2010/18 and S/PRST/2011/4).

A key political issue on the ground is whether the candidate eventually declared winner of the presidential election will be widely accepted by the population and able to govern effectively and work with the country’s parliament. The fact that the large Fanmi Lavalas party of Aristide was completely disallowed from participating in this election cycle may pose ongoing challenges to the next Haitian administration.

Underlying Problems

Entrenched poverty, a history of political instability initiated by Haitian elites, the exclusion of the Lavalas party from the election, all combined with the aftermath of the 2010 earthquake and challenges in the strategic coordination of international assistance, continue to underlie the situation in Haiti.

Options

Options for the Council include:

- using the April open debate to state national positions on the current situation in Haiti and on the broader link between security and development needs in the context of peacekeeping missions;
- adopting a statement requesting the Secretary-General for specific recommendations within a few months for a new approach to coordination and oversight of international efforts aimed at both maintaining security in Haiti and the reconstruction and development agenda; or
- signalling a plan to revise MINUSTAH’s mandate in light of such recommendations.

Council and Wider Dynamics

There appears to be wide recognition among Council members that Haiti continues to require the sustained efforts of the international community in order to meet

the large-scale challenges confronting it. Council members are concerned that only a fraction of the funds pledged to the reconstruction effort in Haiti have been disbursed (a situation of concern also to the Interim Haiti Recovery Commission co-chaired by UN Special Envoy Bill Clinton).

While the Council has in recent years acknowledged the link between security and development in numerous thematic statements, there do not appear to be any clear ideas at this stage as to how to implement this in Haiti.

Council members seem to support the idea of a presidential statement as an outcome of the open debate. Members of the Group of Friends of Haiti also support a presidential statement. Some felt that it might be beneficial for such a statement to also cover rule-of-law issues as a point where security and development considerations converge.

The Friends Group continues to play an influential role in discussions regarding Haiti.

UN Documents

Selected Council Resolutions

- S/RES/1944 (14 October 2010) renewed the mandate of MINUSTAH and called for a comprehensive assessment of the security environment in 2011 following the elections.
- S/RES/1927 (4 June 2010) authorised the deployment of 680 additional officers for the police component of MINUSTAH as a temporary surge with a particular focus on building the capacity of the Haitian National Police and encouraged the mission, within available means, to provide temporary logistical and technical support to the government of Haiti that will be phased out as Haiti’s national capacity grows.
- S/RES/1908 (19 January 2010) bolstered the troop and police personnel for MINUSTAH by 1,500 additional police and 2,000 additional military personnel.

Latest Secretary-General’s Report

- S/2010/446 (1 September 2010)

Selected Presidential Statements

- S/PRST/2011/4 (11 February 2011) was on the interdependence between security and development.
- S/PRST/2010/18 (23 September 2010) emphasised *inter alia* that effective

peacebuilding requires an integrated approach based on coherence among security, development and other objectives.

- S/PRST/2010/14 (16 July 2010) was on optimising the use of preventive diplomacy tools.
- S/PRST/2010/7 (16 April 2010) was adopted during an open debate on peacebuilding.
- S/PRST/2010/2 (12 February 2010) was on UN peacekeeping operations' transition and exit strategies.
- S/PRST/2009/24 (5 August 2009) was on integration of peacebuilding in peacekeeping missions.
- S/PRST/2009/23 (22 July 2009) was on post-conflict peacebuilding.

Selected Press Statement

- SC/10110 (10 December 2010) addressed the post-election situation in Haiti.

Selected Letter

- S/2010/27 (18 January 2010) from Mexico to the Council argued for a realignment of MINUSTAH's mandate.

Selected Meeting Record

- S/PV.6471 (20 January 2011) was the most recent briefing on Haiti.

Other

- E/2010/102 (14 July 2010) was an ECOSOC report of the Ad Hoc Advisory Group on Haiti.

Other Relevant Facts

Special Representative of the Secretary-General and Head of MINUSTAH

Edmond Mulet (Guatemala)

Deputy Special Representative of the Secretary-General

Kevin Kennedy (US)

Deputy Special Representative of the Secretary-General and UN Resident Coordinator and Humanitarian Coordinator

Nigel Fisher (Canada)

UN Special Envoy for Haiti

Bill Clinton (US)

Force Commander

Major General Luiz Eduardo Ramos Pereira (Brazil)

Police Commissioner

Geraldo Chaumont (Argentina)

Western Sahara

Expected Council Action

The Council is expecting the Secretary-General's report on Western Sahara. Briefings by Envoy Christopher Ross and Secretary-General's Special Representative and head of MINURSO Hany Abdel-Aziz are also likely.

Renewal of the mandate of MINURSO ahead of its 30 April expiry is anticipated.

Key Recent Developments

Informal talks on Western Sahara have continued in recent months in accordance with resolution 1920 which called on the parties to continue negotiations without preconditions and in good faith, with a view to achieving a mutually acceptable political solution that provides for the self-determination of the people of Western Sahara. (The current series of informal talks began in 2009. A further four sessions were held in February, November and December of 2010 and January 2011.)

The most recent talks were held in Malta on 8 and 9 March. Morocco, Algeria, Mauritania and the Sahrawi national liberation movement, the Polisario Front participated. The Secretary-General's Personal Envoy, Christopher Ross, issued a communiqué saying "each party continued to reject the proposal of the other as a sole basis for future negotiations." However, it seems the two sides agreed to explore innovative approaches and to hold the next round in Malta in May. Strengthening the role of the personal envoy, natural resources and demining seem likely to be discussed as part of the "innovative" approaches.

At the third round of talks in November 2010 confidence-building measures were discussed. One measure agreed to was to hold a meeting between Morocco and the Polisario Front to review the implementation of the 2004 Plan of Action on Confidence Building Measures. This took place in Geneva on 9 and 10 February. UN High Commissioner for Refugees António Guterres—whose office, UNHCR, had been involved in developing the 2004 Action Plan—convened the meeting. Algeria and Mauritania participated as observers. UNHCR and the UN Mission for the Referendum in Western Sahara (MINURSO) will now organise a technical assessment mission to map out a route to allow families to be reunited by road for the first time. Since the start of 2011, six family visit operations



have been facilitated, all by air. Additional measures agreed upon in Geneva include having UNHCR present proposals on reactivating telephone service connecting separated families and establishing a postal link. The parties also agreed to organise seminars on non-political topics.

On 5 March approximately 200 young Sahrawi refugees living in camps in Tindouf protested against the "dictatorship of the Polisario chief Abdelazziz" and "lack of basic freedoms" in the camps. The protesters deplored the lack of the freedoms of expression and assembly and the one-party rule of Chief Mohamed Abdelaziz. (The constitution of the exiled government of Abdelaziz states that the single-party system will be changed into a multi-party system after independence.) Protesters also called for an end to widespread tribal-based nepotism in the camps. Protests had been discouraged by Polisario authorities but security forces allowed the demonstrations to proceed.

These protests seem to reflect the mood sweeping the region and are the first of this kind in the Sahrawi camps. The protesters did not express a position on how the Polisario leadership has been handling talks over Western Sahara. They reportedly emphasised continued Sahrawi unity in the fight against Morocco and appealed to the Moroccan media to refrain from using their protests to critique the Polisario and Algeria.

The protests demanded reforms without calling for a change of leadership.

In recent weeks Morocco has also seen nationwide protests. In response, Moroccan King Mohammed VI on 9 March announced constitutional reforms. The measures included a reduction of the monarch's powers and the promise of free parliamentary elections. During a 24 March meeting with Moroccan Foreign Minister Tahib El Fassi Fihri, Secretary-General Ban Ki-Moon expressed hope that reform will contribute to realising the legitimate aspirations of all Moroccans and to fostering stability in the region. On Western Sahara, Ban said that he was encouraged by the

last informal meeting in Malta and commended Morocco for supporting the UNHCR/MINURSO technical mission in April.

Fihri also met with US Secretary of State Hillary Clinton who told reporters that the US believes “Morocco’s autonomy plan is serious, realistic and credible, a potential approach to satisfy the aspirations of the people in the Western Sahara to run their own affairs in peace and dignity”.

Ross most recently briefed the Council on 16 November 2010. Afterwards in remarks to the press Council President Sir Mark Lyall Grant of the UK said the Council deplored the violence which transpired in early November, when Moroccan forces reportedly led a pre-dawn raid to break up a Sahrawi camp housing more than 12,000 people outside the city of Laayoune. The Council expressed condolences over the deaths and injuries and reaffirmed support for Ross and MINURSO, urging all parties to demonstrate further political will. Following the incident, Morocco established a Commission of Inquiry to look into the events.

Human Rights-Related Issues

On 3 March Morocco announced the establishment of the National Council for Human Rights (CNDH). The primary mission of the CNDH is to “monitor and assess the human rights situation, blow the whistle and enrich rights-related debate”. The establishment of the CNDH will be in conformity with the Paris Principles on national institutions for the promotion and protection of human rights. CNDH will have an early warning mechanism, will undertake investigations on the ground and will handle allegations of human rights violations. The commission plans to work interactively with international NGOs and the Human Rights Council.

Key Issues

A key issue is the implementation in practice of confidence-building measures and what impact these may have on alleviating tensions and fostering compromise on both sides.

A second key issue is whether, given the current social and political climate in North Africa, the status quo on Western Sahara may be increasingly untenable. The dynamics on the ground may be shifting due to the democratic aspirations of young Sahrawis

who have begun pushing for reforms from the ruling Polisario front, but may also be less patient about the slow pace of negotiations and what they see as Morocco’s refusal to compromise.

A third key issue is whether the Council, in light of the small signs of progress in the new and more intensive informal talks format, should seek to both commend the parties but also inject a stronger sense of urgency.

Underlying Problems

The main underlying problem is that both parties continue to reject each other’s proposals and maintain mutually exclusive positions.

Another underlying problem is that in the current climate the absence of a settlement may increase risks of a drift towards extremism.

Options

One option for the Council is to simply extend the current mandate of MINURSO for another year.

Another option would be a resolution including language that:

- takes note of the six rounds of informal talks held and welcomes efforts of envoy Ross in continuing to facilitate dialogue;
- encourages efforts by MINURSO and UNHCR to utilise innovative confidence-building measures as a means demonstrating that the parties can work together;
- calls on parties to respect human rights principles (as had been suggested by Costa Rica during negotiations on the 2009 mandate renewal); and
- calls for an acceleration of the process.

Council and Wider Dynamics

Council members and the involved parties seem pleased with the recent efforts by Ross to convene more intensive talks and to devise innovative confidence-building measures.

South Africa in 2004 recognised the Sahrawi Arab Democratic Republic (SADR). (SADR was proclaimed by the Polisario in 1976 and has been recognised by 58, mostly African, states.) Western Sahara is a key issue for South Africa, which is uncomfortable with the past P5 dominance of the issue. They support a strong focus on human rights issues and feel that the substance of the Western Sahara issue should be addressed by the Council as a whole.

South Africa also feels that the political process is not moving quickly enough and that finding a balanced but principled political solution to the conflict is urgent.

Nigeria has also recognised the SADR and, like South Africa, supports a human rights monitoring and reporting mechanism in the MINURSO mandate.

The Group of Friends of Western Sahara (France, Russia, the US and UK plus Spain as the former colonial power) have generally been reluctant to discuss human rights-related elements, which they feel only complicate the issue. Morocco also maintains that human rights distract from the goal of achieving a political solution and should be addressed by national initiatives and other UN mechanisms outside of the Council.

The AU position is that the referendum envisaged by the Council in 1991 should be held, consistent with UN principles on decolonisation, to enable the people of the territory to choose between the option of independence from, or integration into, Morocco.

UN Documents

Selected Security Council Resolutions

- S/RES/1920 (30 April 2010) renewed the MINURSO mandate until 30 April 2011 and called on the parties to continue dialogue and negotiations through UN-sponsored talks.
- S/RES/1871 (30 April 2009) renewed the MINURSO mandate and welcomed the parties’ agreement to hold small, informal talks.
- S/RES/1813 (30 April 2008) endorsed the Secretary-General’s recommendation that realism and a spirit of compromise are essential for the negotiations to move forward.
- S/RES/690 (29 April 1991) established MINURSO.

Latest Secretary-General’s Report

- S/2010/175 (6 April 2010)

Other

- A communiqué (9 November 2010) was issued by Ross with the agreement of the parties after the third informal round of talks.
- S/2009/19 (6 January 2009) was the letter from the Secretary-General about Christopher Ross as his new personal envoy for Western Sahara.

Women, Peace and Security

Expected Council Action

The head of UN Women, Michelle Bachelet, will brief Council members on women's participation in peace negotiations and peace agreements. Bachelet is expected to focus her briefing on two to three country-specific situations, rather than at a thematic level. This will be the first briefing by Bachelet since UN Women became operational in January.

Special Representative of the Secretary-General on Sexual Violence in Conflict Margot Wallström will separately brief Council members. Wallström is likely to focus on the Democratic Republic of the Congo (DRC), including issues in the west, as well as east of the country. Wallström is also expected to brief the DRC Sanctions Committee.

At press time no decision had been made on the format of the briefings.

Key Recent Developments

On 26 October 2010 the Council held an open debate on women, peace and security. The Council issued a presidential statement at this debate welcoming the establishment of UN Women and inviting UN Women to regularly contribute to the Council's work. The debate was held on the tenth anniversary of resolution 1325.

On 16 December the Council adopted resolution 1960 that established a monitoring, analysis and reporting mechanism on conflict-related sexual violence in situations on the Council's agenda. The resolution invited Wallström to brief the Council on sexual violence.

On 18 February Council members met in informal consultations to discuss the spectrum of protection issues including civilians in general, women and children. The goal was to promote a more coherent Council approach and mutually supportive Secretariat actions on all three protection issues.

Council Dynamics

Subsequently, several Council members, including Portugal, have been pushing for the Council to consider the issue of women, peace and security more than once a year and to increasingly focus on specific situations on the Council's agenda, rather than only thematically. Council members anticipate that Bachelet's April briefing will focus on the political rather than technical level.

Council members seem receptive to a briefing from Bachelet. They seem to be anticipating that she will offer a different perspective on situations from that which the Council receives in briefings from the departments of peacekeeping and political affairs. In particular, Council members seem interested in Bachelet's views on women's participation in peace processes in countries that she has recently visited, such as Liberia.

Some members had initially suggested that Bachelet's briefing be combined with the next scheduled briefings from the departments of peacekeeping or political affairs. However, others felt it important that Bachelet brief alone and this view seems to have prevailed.

The US, which leads on sexual violence in conflict, seems to have agreed that if Bachelet were to brief, Wallström should as well, thus maintaining the parallel tracks that have emerged in the Council's practice.

UN Documents

Selected Council Resolutions

- S/RES/1960 (16 December 2010) is on conflict-related sexual violence.
- S/RES/1325 (31 October 2000) recognised that conflict has a disproportionate impact on women and promoted women's participation in peace and security processes.

Other

- S/PRST/2010/22 (26 October 2010) was the presidential statement on the occasion of the tenth anniversary of resolution 1325.
- A/RES/64/289 (2 July 2010) was the resolution of the General Assembly establishing UN Women.

Small Arms

Expected Council Action

A report from the Secretary-General on small arms and light weapons is expected in April. A briefing is likely but at the time of writing it was unclear whether the Council would take any decisions.

Background

The availability and relatively low cost of small arms and light weapons have made them a primary cause of casualties in almost all modern conflicts, and especially civilian fatalities (particularly among women and children). Past Council decisions have



explicitly recognised that the proliferation of small arms and light weapons is a major cause of instability and a threat to international peace and security.

The Council adopted four presidential statements from 2001 to 2005. Four reports were submitted by the Secretary-General on small arms from 2002 to 2006. In 2006 an Argentinean initiative for a Council resolution on small arms was blocked by the US. As a result of the stalemate over this proposed resolution, the cycle of reports on small arms was interrupted.

In 2007 the Council, after weeks of negotiation, agreed on a presidential statement on 29 June requesting the Secretary-General to produce biennial reports on small arms beginning in 2008, the first coming on 17 April 2008. No report was produced in 2010. The April report is therefore the delayed report for 2010.

The Secretary-General's 2008 report widened the discussion from the original question of illicit trafficking of small arms and challenged Council members to consider related issues such as production, marking and tracing, illicit brokering, end-use verification, ammunition and stockpiles. The Council could not agree on any statement or resolution following the 2008 report.

Despite the absence of a report from the Secretary-General in 2010 Gabon initiated a Council debate devoted to the subject of small arms which was held on 19 March 2010. The focus was the impact of illicit small arms and light weapons on peace and security in the Central African region. Twenty-seven member states made statements during the debate. In a presidential statement adopted at the conclusion of the March 2010 debate, the Council reiterated that small arms pose a threat to peace and fuel armed conflict and called on states to effectively implement existing arms embargoes. The Council also requested that the Secretary-General take the content of the presidential statement into account in his next report.

Key Issues

A persistent issue for the Council is the need to be sensitive to the relative roles of

the Council and the General Assembly in addressing the issue of small arms and light weapons. Since 2009 negotiations have been underway in the General Assembly focused on a possible arms-trade treaty. (A number of preparatory committee meetings have been held, and in 2012 a UN Conference will be held on the issue.)

Another ongoing issue has been the historical reluctance of the US for domestic political reasons to agree to new limitations on small arms in the Council and the willingness of a number of other arms producing countries to quietly shelter behind this position.

Options

Options for the Council include:

- a statement responding to substantive elements of the Secretary-General's 2008 and 2011 reports;
- taking no substantive action but reinforcing the importance of the negotiations under way under the GA auspices; or
- reinforcing the importance of the reporting process and the need to adhere to the cycle established by the Council.

Council and Broader Dynamics

Most Council members seem to agree on the importance of the Council continuing to address the small arms issue. (Historically, African and Latin American countries have been particularly concerned that the Council address the issue regularly.) It seems many members are interested in reviewing the latest Secretary-General's report before deciding how the Council can best address the issue of small arms at this time.

In recent years the US seems to have moderated its past opposition to all new limitations on small arms. (In 2009 the US voted for the GA resolution that established preparatory committee talks leading up to a UN conference in 2012 and has been participating in those discussions.)

UN Documents

Selected Security Council Presidential Statements

- S/PRST/2010/6 (19 March 2010) was adopted at the conclusion of the thematic debate on small arms and light weapons and the Central African region.
- S/PRST/2007/24 (29 June 2007) *inter alia* requested biennial small arms reports from the Secretary-General starting in 2008.

Latest Report of the Secretary-General

- S/2008/258 (17 April 2008)

Selected Security Council Debate on Small Arms

- S/PV.6288 and resumption 1 (19 March 2010) was the thematic debate on small arms and light weapons and the Central African region.

Useful Additional Source

Small Arms Survey (<http://www.smallarms-survey.org/home.html>)

Somalia

Expected Council Action

In April the Council is expected to adopt a resolution on piracy off the coast of Somalia. Council members have been unable to agree on the establishment of specialised courts to try suspected pirates but seem likely to ask for an urgent report from the Secretary-General on practical implementation issues with a view to taking decisions in June or July.

Key Recent Developments

On 10 March, as part of an initiative by the Chinese presidency to give higher priority to the situation in Somalia, the Council held an open debate with 38 speakers and briefings by the Secretary-General, the Somali prime minister and the AU. The Council adopted a presidential statement which stressed the need for a comprehensive strategy on Somalia and called for further action in the areas of political process, including on post-transitional arrangements; security and support for AMISOM; humanitarian assistance; protection of civilians; socio-economic development; counter-terrorism; and counter-piracy efforts.

On 11 March, OCHA briefed the Sanctions Committee as requested by resolution 1916. The Chair of the Committee, Indian Ambassador Hardeep Singh Puri, briefed in consultations on 15 March. On 17 March, the Council adopted resolution 1972 extending for 16 months the exemption to the assets-freeze provision of the Somalia sanctions regime under resolution 1916 for payments "necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia". The resolution also extended the periodic reporting requirement for the Humanitarian Coordinator from every 120 days to every eight months.

The Piracy Issue

Negotiations on the piracy issue following the report and recommendations from the Secretary-General's Special Adviser on Legal Issues related to Piracy off the Coast of Somalia, Jack Lang, have taken longer than many had expected. Russia initiated the process with its P5 colleagues by circulating possible elements for the resolution at the end of February. The process was kept within the P5 for several weeks. Russia and France wished to proceed quickly to establish specialised piracy courts. But the UK and the US argued that more information was necessary to make such a decision. It seems the negotiations were also slowed by a US request for more time because of an internal American Somalia policy review.

Negotiations finally moved to the full Council in late March based on a shortened version of the draft resolution originally proposed by Russia. Elected members appeared generally supportive, although African members are pushing to include more language addressing the root causes of piracy and calling for capacity-building and economic development on land.

UN Documents

Selected Security Council Resolutions

- S/RES/1964 (22 December 2010) renewed the authorisation of AMISOM until 30 September 2011 and raised its troop level to 12,000.
- S/RES/1950 (23 November 2010) renewed for a period of 12 months the anti-piracy measures of previous Council resolutions.
- S/RES/1916 (19 March 2010) extended the mandate of the Monitoring Group and established the humanitarian exemption.
- S/RES/1844 (20 November 2008) imposed targeted sanctions.

Selected Presidential Statement

- S/PRST/2011/6 and resumption 1 (10 March 2011) stressed the need for a comprehensive strategy for Somalia.

Latest Secretary-General's Report

- S/2010/675 (30 December 2010)

Selected Meeting Record

- S/PV.6494 (10 March 2011) was the open debate on Somalia.

Other

- S/2011/125 (11 March 2011) contains the latest 120-day report of the Humanitarian Coordinator for Somalia

in accordance with resolution 1916.

- S/2011/114 (3 March 2011) was a concept note from China for the 10 March open debate.
- S/2011/30 (24 January 2011) was from the Secretary-General transmitting Jack Lang's report on piracy.

Iraq

Expected Council Action

The Council is expecting a report on Iraq by the beginning of April. A briefing by Special Representative Ad Melkert seems likely. At time of writing no Council decision was anticipated. (UNAMI's mandate expires at the end of July.)

Key Recent Developments

On 15 December 2010, the Council held a high-level meeting on Iraq. Three resolutions and a presidential statement addressed a range of issues:

- Resolution 1956 extended the Development Fund for Iraq (DFI) and related immunities a final time until 30 June 2011.
- Resolution 1957 terminated the Chapter VII measures related to weapons of mass destruction (WMD) and urged Iraq to ratify the IAEA Additional Protocol as soon as possible.
- Resolution 1958 terminated the oil-for-food programme and established an escrow account to provide indemnification to the UN for a period of six years.

The presidential statement welcomed Iraq's progress in meeting its nonproliferation and disarmament obligations, recognised Iraq's success in closing out remaining contracts in the oil-for-food programme and establishing successor arrangements for the DFI and called on Iraq to quickly fulfil its remaining obligations to Kuwait.

On 17 December 2010, Council members received a briefing from Gennady Tarasov, the Secretary-General's high-level coordinator on Kuwait missing persons and property. Members stressed the need for Iraq to fulfil its commitments to Kuwait and supported the Secretary-General's recommendation to extend the coordinator for another six months.

The Secretary-General notified the Council on 21 December 2010 of his intention to adjust the security arrangements for UNAMI in light of the upcoming withdrawal of US forces. The adjustments include the

participation of police advisors or liaison officers or both in the coordination mechanism between UNAMI and the Iraqi government and using UN guards to provide close-protection security for UN personnel.

Also on 21 December 2010, the Iraqi parliament voted to approve more than 30 ministers to serve in the next government of Prime Minister Nuri al Maliki. Although several key posts such as interior, defence and national security were not included in the nominations presented to parliament, the development was significant, coming after months of protracted delay over government formation. Council members issued a press statement that day welcoming the formation of a national partnership government and encouraging Iraq's political leaders to rededicate themselves to national reconciliation.

Iraqi political leader, cleric Moktada al Sadr returned to Iraq on 5 January after spending three years in Iran. Addressing a group of supporters on 8 January, he expressed support for the new Iraqi government and urged that all US troops leave the country by the end of the year.

On 12 January Kuwaiti prime minister Sheikh Nasser Mohammad al-Ahmad al-Sabah travelled to Iraq for talks with Iraqi officials, the first such visit since the invasion of Kuwait in 1990.

On 18 January, Iraq's highest court ruled in favour of the Maliki government holding that several entities, such as the central bank, Independent Higher Electoral Commission and the human rights commission, should fall under the supervision of the cabinet. The decision was seen as further consolidating power in the central government.

On 27 January the UN Compensation Commission (UNCC) made \$680 million available to the Kuwaiti government for distribution to nine successful claimants. (The UNCC was created in 1991 to process claims and pay compensation for losses suffered as a direct result of Iraq's invasion of Kuwait.) The payment brings the overall amount of compensation made available to date by the UNCC globally to \$31.4 billion, leaving an outstanding balance of approximately \$21 billion that remains owed to Kuwait.

On 26 February the Secretary-General congratulated Kuwait as it marked 50 years as an independent state and 20 years since the country's liberation from occupying Iraqi forces in 1991.

On 14 March the UN Children's Fund, UN Development Programme and UN Population Fund signed an agreement with Iraq to support the implementation of development programmes worth \$600 million in Iraq over the next four years.

Violence has continued in Iraq in recent months. Groups of both Shiite and Sunni civilians, as well as members of the country's security services, have been targeted. On 10 and 12 February, dozens of people were killed in suicide bombings near the city of Samarra. These attacks and a series of attacks in January near the city of Karbala appeared to target Shiite pilgrims. Another series of bombings in January appeared to target Sunnis, including an attack on 18 January that killed dozens of police applicants in Tikrit. On 21 February a suicide bomber detonated a truck bomb outside a police station north of Samarra, killing about a dozen officers, and on 14 March about eight soldiers died in a car-bomb attack in Diyala province.

On 25 February demonstrators across the country rallied against poor government services. Some 20 people were killed in clashes between security forces and demonstrators. Although the demonstrations were not the first to be held due to dissatisfaction with government services, they were the most substantial and seemed to be modelled on recent protests across North Africa and the Middle East. The demonstrations occurred despite last-minute government efforts to head off a national day of protest (including providing more access to electricity and subsidised food to the public). Maliki had urged Iraqis the day before not to demonstrate, and Sadr and Grand Ayatollah Ali al-Sistani had urged their Shiite followers on 23 February also not to participate. Earlier in the week, Iraq's parliament had suspended its work for a week while members returned to their constituencies to address public anger. On 27 February Maliki directed government ministers to accelerate public-service reforms within the next 100 days.

Human Rights-Related Developments

In a statement on 2 March, Special Representative Ad Melkert called on the authorities in Iraq to recognise fully the importance of the participation of all Iraqis in building a democratic, stable and prosperous state in order to consolidate progress made in the recent period. While acknowledging the duty of the Iraqi authorities to ensure law and order in the country, Melkert expressed concern about instances of human rights violations in relation to public demonstrations. Reported violations included disproportionate use of force by Iraqi security forces that had resulted in the death and injury of a number of citizens. Restrictions had been placed on the media, and there had been arrests and detentions of journalists.

Key Issues

A key issue is the still-incomplete process of government formation in Iraq. While progress was made in December, appointments of key government officials remain outstanding. A related issue in the minds of Council members is growing public dissatisfaction with the government and the human rights situation, including the erosion of various “checks and balances” as a result of the 18 January court decision.

Another issue is the state of the overall security situation in Iraq and whether the security adjustments proposed by the Secretary-General will remain sufficient for UNAMI’s needs as the US troop withdrawal proceeds.

Options

Options for the Council include:

- refraining from action at this time;
- using the April UNAMI meeting to state national positions on the issues identified above as well as on the changing security needs of the mission; or
- approving elements for the press covering the need for completing the government formation and resolving issues of concern to Kuwait (such as border demarcation, reparations and missing persons and property).

Council and Wider Dynamics

Council members view the decisions adopted during the December 2010 high-level event on Iraq as an important step toward normalising Iraq’s international standing.

Most Council members retain concerns about the slow progress in implementing

the December decisions, which call on Iraq to make progress on issues with Kuwait, make a successful transition to a DFI-successor mechanism by the end of June and ratify the IAEA Additional Protocol. There seems to be a feeling that progress should be assessed regularly throughout 2011.

The US is the lead country on Iraq issues in general, and the UK is the lead on Iraq/Kuwait issues.

UN Documents

Selected Security Council Resolutions

- S/RES/1958 (15 December 2010) terminated the Oil-for-Food programme and established an escrow account to provide indemnification to the UN.
- S/RES/1957 (15 December 2010) terminated the WMD-related Chapter VII measures and urged Iraq to ratify the Additional Protocol as soon as possible.
- S/RES/1956 (15 December 2010) extended the DFI and related immunities a final time until 30 June 2011.
- S/RES/1936 (5 August 2010) extended UNAMI’s mandate through 31 July 2011.

Selected Presidential Statement

- S/PRST/2010/27 (15 December 2010) welcomed Iraq’s progress in meeting its nonproliferation obligations and success in closing the Oil-for-Food programme and establishing successor arrangements for the DFI, and called on Iraq to quickly fulfil its remaining obligations to Kuwait.

Selected Meeting Record

- S/PV.6450 (15 December 2010) was the high level meeting on Iraq.

Selected Letter

- S/2010/666 (21 December 2010) outlined the Secretary-General’s intention to adjust the security arrangements for UNAMI in light of the withdrawal of US forces.

Latest Secretary-General’s Report

- S/2010/606 (26 November 2010)

Selected Press Statement

- SC/10138 (21 December 2010) welcomed the formation of a new government in Iraq.

Other Relevant Facts

Special Representative of the Secretary-General in Iraq

Ad Melkert (Netherlands)

Counterterrorism: 1540 Committee

Expected Council Action

A report from the 1540 Committee on non-proliferation of weapons of mass destruction and terrorism is expected in April. The Council is expected to renew the mandate of the committee before its expiring on 25 April.

Background

The Council adopted resolution 1540 in 2004 to address concern that non-state actors might use weapons of mass destruction for terrorist purposes (individuals and sub-state groups are not covered under existing treaties dealing with nuclear, chemical and biological weapons). The resolution established a committee to report on implementation of the resolution’s provisions. Resolution 1540 requires that all states:

- prevent non-state actors from obtaining access to nuclear, chemical or biological weapons and their delivery systems;
- adopt laws prohibiting access by non-state actors to such weapons and their means of delivery; and
- establish domestic controls to prevent proliferation of such weapons and their delivery systems, as well as controls over related materials.

There were initially questions whether the resolution would be widely accepted by member states. However, in recent years the response has improved and is now generally good in part due to the committee’s adoption of a cooperative approach in its engagement with states and its attempts to facilitate assistance to states to aid in implementing the resolution.

The Council decided in 2008 in resolution 1810 to extend the mandate of the 1540 Committee until 25 April 2011. The committee has since compiled matrices on actions states have taken to implement the resolution. Through outreach, dialogue and other assistance, the committee also works to provide practical assistance to states to promote implementation of resolution 1540, including the development of domestic legal and infrastructure controls to fulfil these obligations.

Key Recent Developments

During the last joint briefing of the counterterrorism committees to the Council on 15 November 2010, Ambassador Claude Heller of Mexico (then chair of the 1540 Committee) emphasised that the committee and the group of experts continued to participate in outreach events at the

international, regional and subregional levels to facilitate implementation. Heller said the committee was in the process of reviewing matrices of state implementation of the resolution, which will form the basis of the committee's April report to the Council. In addition the committee has consolidated a database on assistance requests, adopted new procedures for handling formal requests for assistance and adopted new procedures for publishing reports from member states to improve transparency.

Heller briefly highlighted five "ideas and proposals" for the future, both during the joint counterterrorism briefing as well as the 20 December 2010 briefing to the Council by subsidiary body outgoing chairmen. Heller said the proposals which had emerged from bilateral and multilateral consultations were:

- that the committee focus greater attention on biological weapons as the category of weapons of mass destruction with the least number of preventive measures in place (other areas worthy of special attention included delivery vehicles, sanctions lists and the financing of prohibited proliferation activities);
- that the committee enhance cooperation with international entities (such as the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and the World Customs Organization), particularly with regard to information exchange, while maintaining respect for the specific mandates of those entities;
- that the committee strengthen its work on cooperation and assistance, as implementation of resolution 1540 depends not only on political will, but also on the resources required for specific security measures;
- that the committee or Secretary-General appoint a coordinator for the committee's group of experts in order to permit it to function more effectively; and
- that the committee's mandate be extended for a longer period, for example by ten years with a review in five years. (Heller pointed out that such a longer mandate would result in a review cycle that is similar to the one for the Treaty on the Non-Proliferation of Nuclear Weapons.)

On 26 January Ambassador Baso Sangqu of South Africa, who began chairing the 1540 Committee in 2011, informed the Council that the committee had decided to extend its 2010 programme of work to cover the period from 1 February to 25 April 2011

(the mandated report on compliance with resolution 1540 that is due in April was added to this existing programme of work).

Key Issues

A key issue for the Council is ongoing implementation of resolution 1540. The lack of capacity in many states to implement relevant requirements and report on them seems to require a continuing focus on providing such states with additional assistance.

As there seems to be wide acceptance among Council members of the necessity of renewing the mandate of the 1540 Committee in April, another key issue will be consideration of the terms of that renewal. Discussion of how the mandate might be modified seems likely to centre on the recommendations made by Heller in late 2010, in particular the desirability of increasing the length of the committee's mandate.

Options

Options for the Council include:

- a simple extension of the 1540 Committee with no new substantive elements; or
- extending the 1540 Committee with modifications, including some or all of Heller's recommendations, for example by lengthening its mandate to ten years and/or supporting the appointment of a coordinator for the group of experts or both.

Council and Wider Dynamics

Council members appear supportive of the committee's work and do not anticipate difficulties in coming to agreement on the renewal of the committee's mandate. It appears that as 25 April approaches, discussion of the mandate will intensify as the committee's report nears finalisation. The possibility of altering the committee's mandate in some way will likely be considered and negotiated at that time.

UN Documents

Selected Council Resolutions

- S/RES/1887 (24 September 2009) was the resolution on nuclear non-proliferation and disarmament passed at the summit meeting of the Council.
- S/RES/1810 (25 April 2008) extended the mandate of the 1540 Committee on weapons until 25 April 2011.
- S/RES/1673 (27 April 2006) extended the mandate of the 1540 Committee for two years.
- S/RES/1540 (28 April 2004) established the 1540.



Selected Presidential Statement

- S/PRST/2010/19 (27 September 2010) reiterated the obligations of member states pursuant to resolution 1540 and the need to enhance cooperation among the Council's counterterrorism committees (the 1267 Committee, the Counter Terrorism Committee [CTC] and the 1540 Committee), recalled the Council's request that the committees' expert groups to be co-located as soon as possible.

Selected Meeting Records

- S/PV.6457 (20 December 2010) was the most recent annual briefing by chairmen of the Council's subsidiary bodies.
- S/PV.6424 (15 November 2010) was the most recent briefing by the chairs of the 1267, 1540 and CTC Committees.

Selected Letters

- S/2011/37 (26 January 2011) informed the Council that the committee had decided to extend and revise its 2010 programme of work to cover the period from 1 February to 25 April 2011.
- S/2010/112 (26 February 2010) transmitted the 1540 Committee's programme of work for 1 February 2010 to 31 January 2011.
- S/2010/52 (29 January 2010) was the 1540 Committee's final document on its 2009 comprehensive review.
- S/2008/493 (30 July 2008) was a previous 1540 Committee report to the Security Council on the status of implementation of resolution 1540 on terrorism and weapons of mass destruction.

Other Relevant Facts

Chair of the 1540 Committee

Ambassador Baso Sangqu (South Africa)

Useful Additional Sources

- The website of the 1540 Committee is <http://www.un.org/sc/1540>
- *UN Security Council Resolution 1540: Identity, Extension, and Implementation*, Stanley Foundation, 42nd UN Issues Conference Policy Memo, March 2011

Notable Dates for April

Report Due	Reports for Consideration in April	Requesting Document
Late February	SG report on the Darfur-based Political Process	S/PRST/2011/3
30 March	SG report on Iraq (UNAMI)	S/RES/1936
30 March	SG report on small arms and light weapons	S/PRST/2007/24
31 March	SG report on Côte d'Ivoire (UNOCI)	S/RES/1962
31 March	SG report on Haiti (MINUSTAH)	S/RES/1944
6 April	SG report on Western Sahara (MINURSO)	S/RES/1920
11 April	SG report on Sudan (UNMIS)	S/RES/1919
13 April	SG reports on Darfur (UNAMID)	S/RES/1935
13 April	1540 Committee report	S/RES/1810
15 April	Côte d'Ivoire group of experts report	S/RES/1946
26 April	ICC report on Libya	S/RES/1970

Mandate Expiry in April 2011	Relevant Document
25 April	1540 Committee
30 April	Sudan (UNMIS)
30 April	Western Sahara (MINURSO)
30 April	Côte d'Ivoire sanctions and Group of Experts

April 2011	Other Important Dates
16 April	Results of the presidential run-off elections in Haiti are expected.
mid April	A ministerial-level meeting of the Quartet (EU, Russia, the UN and the US) is possible (postponed from 15 March).

Also likely in April:

- The adoption of a resolution on piracy off the coast of Somalia
- A briefing on the issue of small arms and light weapons
- A monthly briefing of the Secretary-General on Libya
- Open debates on the Middle East, Haiti and 1540 Committee

Briefings are expected by the:

- Department of Political Affairs
- Head of UN Women Michelle Bachelet
- Head of Peacekeeping Alain Le Roy on Sudan
- Special Representative Ad Melkert on Iraq
- Special Representative on Sexual Violence in Conflict Margot Wallström

Important Dates over the Horizon

- First-round presidential elections are expected on 8 May in Chad.
- Parliamentary elections are scheduled for 22 May in Cyprus.
- New state of South Sudan set to declare independence on 9 July.
- The “transitional” period in Somalia expires in August.
- The Liberian constitutional referendum is scheduled for August.
- Elections to the Palestinian National Authority to be held before October 2011 have been announced.
- Legislative and presidential elections in Liberia are expected in October.
- Parliamentary elections and first round of presidential elections are scheduled for 27 November in the DRC.

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