



# SECURITY COUNCIL REPORT

## MONTHLY FORECAST

### MAY 2012



30 April 2012

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## Overview

Azerbaijan will hold the presidency of the Security Council in May. Early in the month, a high-level event on **threats to international peace and security caused by terrorist acts** is planned, with President of Azerbaijan Ilham Aliyev expected to preside. Other Council members may be represented by ministerial-level officials. The Secretary-General will brief the Council.

Late in the month, Council members are scheduled to travel to **West Africa**. A Council retreat in Istanbul is also planned for May with a focus likely to be on the new political realities of the Middle East and North Africa.

Two debates are planned on:

- **Kosovo**, with a briefing by Farid Zarif, the Secretary-General’s Special Representative and head of UN Mission in Kosovo (UNMIK); and
- **Bosnia and Herzegovina**, preceded by a briefing, most likely by Valentin Inzko, the High Representative for Bosnia and Herzegovina.

Other briefings are planned on:

- **Libya** and the work of the UN Support Mission in Libya (UNSMIL), by its head, Ian Martin, to be followed by consultations;
- **Libya** and the International Criminal Court, by the ICC Prosecutor Luis Moreno-Ocampo;
- the work of the Council counter-terrorism committees by: Ambassador Hardeep Singh Puri (India), chair of the Counter-Terrorism Committee (CTC); Ambassador Baso Sangqu (South

Africa), chair of the terrorism and weapons of mass destruction committee (1540 Committee); and Ambassador Peter Wittig (Germany), chair of the Al-Qaida and Taliban sanctions committees (1267/1989 Committees);

- **Somalia**, most likely by the Special Representative of the Secretary-General, Augustine Mahiga, on the work of the UN Political Office for Somalia (UNPOS) and Under-Secretary-General for Political Affairs B. Lynn Pascoe on the implementation of the mandate of the AU Mission in Somalia (AMISOM), to be followed by consultations;
- the newly established UN Supervision Mission in **Syria** (UNSMIS) every 15 days, under the terms of resolution 2043, to be followed in each case by consultations;
- the **Middle East**, likely by the Secretariat; and
- the **Council trip to West Africa**, by the mission’s co-leads.

Consultations are expected on:

- **Guinea Bissau**, to be briefed on and to discuss the Secretary-General’s special report concerning the reestablishment of the constitutional order, as requested in a presidential statement of 21 April;
- **Yemen**, to receive a briefing by the Secretary-General’s Special Adviser, Jamal Benomar;
- the **DPRK**, to receive a briefing on the work of the sanctions committee, by its chair, Ambassador José Filipe Moraes Cabral (Portugal); and

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- **Lebanon**, to be briefed by Special Envoy Terje Rød-Larsen on the implementation of resolution 1559.

A formal Council session will be needed to adopt a resolution renewing the mandate of the **UN Interim Security Force in Abyei** (UNISFA).

At press time the monthly “horizon scanning” briefing by DPA was not planned for May.

Over the past two years or so, the Security Council has on several occasions chosen to communicate a set of complex political messages through press statements rather than a presidential statement or a resolution. The only mode of communication of Council decisions or views that is recognised in the Council's Provisional Rules of Procedure is a resolution. Press statements and presidential statements mostly, while in existence since 1946, albeit in a different format, emerged in the practice of the Council in the early 1990s, as most of the Council's work started being conducted in consultations.

Regarding presidential statements, according to Bailey and Daws [*The Procedure of the Security Council*, Third Edition, Oxford University Press, 2005], starting in 1991 the president of the Council would occasionally make "a statement to the media on behalf of the Council." These statements were initially issued as letters from the president to the Secretary-General asking him "to circulate as a document of the Security Council the text of the following statement which I, in my capacity as president of the Council, made to the press". Later on, they took the form of a Note by the president transmitting a statement made on behalf of Council members. These were issued as consecutive documents of the Security Council. In presidential Note [S/26015] of 30 June 1993 on various aspects of Council documentation, the Secretariat was asked to start, as of 1 January 1994, issuing presidential statements by the Council in an annual series using the prefix "S/PRST/\_ " and to list all such statements in the annual report of the Security Council to the General Assembly.

Since 1994, the Council has issued an average of 46 presidential statements a year, with numbers sharply decreasing since 2005 to a mere 22 in 2011. With presidential statements apparently on the wane, a separate format of Council messaging, press statements, started appearing anew. Most of these statements would subsequently be issued as press releases by the Secretariat.

Press statements were initially rare in Council practice in the 1990s. But on 8 March 2000 (International Women's Day), the Council issued what may be one of its most

seminal press statements to date—the first-ever Council pronouncement on women and peace and security. The initial plan had apparently been to adopt a presidential statement, but due to the opposition of some Council members, a tactical decision was made to instead have the president of the Council read a statement during the noon UN media briefing. Later that year, the Council adopted resolution 1325, referencing the press statement and reiterating one of its recommendations regarding the need for specialised training on the protection, special needs and human rights of women and children in conflict situations.

Researching and accessing press statements presents a bit of a challenge. Before 29 June 2001, when the Council issued a Note from the president [S/2001/640] requesting that the Secretariat issue all its press statements as UN press releases, it appears that some but not all press statements were issued in writing. Tracing past press statements has become easier since as they have been archived under the Council Presidency tab on the Council website (they are not available, however, in the Official Documents System (ODS) electronic data base).

When a press statement is made, it is usually read to the media by the president and then issued as a Security Council press release by the Department of Public Information with a symbol SC and a consecutive number. But the document has a disclaimer "for information media • not an official record" and the UN document archival symbol does not distinguish press statements of the Council from all the other press releases concerning the Council. Since 1996, the first full year when press releases were electronically archived, the overall number of Council press releases has always been much higher than the overall number of press statements archived (with the overall number of press releases ranging from about 150 to more than 670 a year during the 1996-2011 period, and the number of archived press statements ranging from zero to slightly more than 100 annually in the same period). Some but not all press statements are referenced in the monthly "Assessments of the work of the Security

Council" presented by outgoing Council presidents and only some are referred to in the reports of the Secretary-General. In the last several years, the annual report of the Security Council to the General Assembly has listed the overall number of press statements, and more recently, has described the press statements under other Council work on a given topic.

Meanwhile, since 2001 press statements have become a frequent mode of communication, with the Council issuing between 35 to more than 100 press statements a year.

Press statements have been issued for a number of purposes, which can be loosely grouped in the following categories:

- Purely factual, usually very short, statements about a specific development in the work of the Council. These statements disappeared almost completely after media stakeout appearances by Council diplomats started being archived on the UN website (2003 was the first full year).
- Statements involving sanctions-related matters (nowadays rare because all Council sanctions committees now issue their own press releases).
- Statements related to a specific event, such as a terrorist act, violence against UN personnel, a natural disaster, the death of a head of state or other prominent personality (their annual numbers vary sharply depending on the occurrence of the actual events, peaking at more than 30 in 2011).
- Statements with political messages, issued when time is of the essence, or on the occasion of a briefing, an election (forthcoming or successfully held) or an international conference on an issue on the agenda of the Council. It appears that for certain issues, press statements (as opposed to other pronouncements) have become a routine practice (for example the Iraq-Kuwait missing persons and property issues or the work of the UN Regional Centre for Preventive Diplomacy for Central Asia).

Finally, there is the category that could be described as press statements that differ

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## High-Level Event on Threats to International Peace and Security Caused by Terrorist Acts

### Expected Council Action

In May, the Council is expected to hold a high-level event on threats to international peace and security caused by terrorist acts. Azerbaijan President Ilham Aliyev is expected to preside; other Council members may be represented by high-level officials.

The Secretary-General is likely to brief the Council. (The Secretary-General's third report on the implementation of the UN Global Counter-Terrorism Strategy is due by the end of April, and may feature in his briefing).

The Council is likely to adopt a presidential statement.

### Background

The last Council high-level event on counterterrorism was held on 27 September 2010, at the initiative of Turkey, after which the Council adopted a presidential statement (S/PRST/2010/19).

The statement underlined the need to address the conditions conducive to the spread of terrorism, recognising that development, peace and security and human rights are interlinked and mutually reinforcing. The statement also stressed the importance of assisting victims of terrorism. The Council expressed concern at the increase in incidences of kidnapping with the aim of raising funds or gaining political concessions, called on states to improve cooperation to prevent the movement of terrorist groups to and from their territories and encouraged the Counter-Terrorism Committee (CTC) and its Executive Directorate (CTED) to continue facilitating technical assistance to states, in particular in close cooperation with the UN Counter-Terrorism Implementation Task Force (CTITF). The statement reiterated the need to enhance cooperation among the Council's counter-terrorism committees (1267 Committee, CTC and 1540 Committee). It also reiterated the Council's support for the UN Global Counter-Terrorism Strategy and the institutionalisation of the Counter-

Terrorism Implementation Taskforce and encouraged member states to conclude negotiations on a comprehensive convention on international terrorism.

In the last few years, the Council has reacted with press statements to numerous different terrorist attacks. Statements made since the beginning of 2012 include:

- On 25 January it condemned the multiple terrorist attacks that occurred in Kano, Nigeria, on 20 January. More than 170 people were reported dead after a series of attacks by the militant Islamist group Boko Haram.
- On 23 February, it condemned a terrorist attack aimed at Israel's diplomatic personnel in New Delhi, India, which resulted in injuries to diplomatic personnel and civilians, and an attempted terrorist attack on Israeli diplomats in Tbilisi, Georgia.
- On 7 March, it condemned the terrorist attacks in Abyan province, Yemen. In one attack, on 4 March, the Al-Qaida-affiliated group Ansar al-Sharia (Partisans of Islamic Law) reportedly attacked a military post in Zinjibar that led to the death of at least 185 government soldiers and the capture of 72 soldiers.
- On 21 March, the Council condemned the terrorist attacks in Syria — in Damascus on 17 and 19 March and in Aleppo on 18 March — that claimed the lives of dozens.

Recent counter-terrorism related events have also reportedly taken place in Azerbaijan, the Council President in May. According to media reports, on 14 March, authorities arrested 22 Azeri citizens suspected of spying for Iran and plotting to attack Western embassies and companies. The arrests came two months after two men were arrested in Azerbaijan, on suspicion that they plotted attacks against foreign targets, including the Israeli ambassador and a local rabbi.

On 10 April, Azerbaijan circulated a concept paper that was prepared for the May event among Council members. The paper aims to focus the discussion on strengthening international cooperation in the implementation of counter-terrorism



obligations. In particular, it notes that the implementation of the UN Global Counter-Terrorism Strategy is disparate and calls for a discussion of better implementation of the global strategy by providing increased technical assistance and capacity-building to states, including through rule-of-law initiatives aimed at developing national criminal systems and interstate legal cooperation and assistance. It notes the importance of improving coordination within UN bodies and consolidating UN counter-terrorism efforts. In this context, the paper supports the appointment of a UN counter-terrorism coordinator, a recommendation also made by the Secretary-General in his five-year action agenda delivered to the General Assembly on 25 January. (On 22 September 2004, Costa Rica (S/2004/758) had initially proposed the establishment of a UN High Commissioner on Terrorism to “eliminating duplication, unifying resources, and centralising decision-making”). The paper also raises the relevance of implementation of counter-terrorism obligations through regional organisations and the best practices of member states.

### Key Issues

A key issue is finding ways to keep the Council's counter-terrorism efforts—carried out mostly by several of its subsidiary bodies—on Council members' minds and within the public eye.

Another issue is strengthening capacity-building and assistance to states by the Council's counter-terrorism committees and by the UN at large for better implementation of their obligations.

### Options

Options for the Council include:

- adopting a presidential statement addressing conditions conducive to terrorism, cooperation among states, coherence within the UN in dealing with terrorism issues and enhancing state

- capacity to address terrorist threats;
- adopting a more general presidential statement reiterating the Council's commitment to combating terrorism;
- issuing a press statement to that effect; or
- taking no action at this time (less likely).

### Council Dynamics

Currently, counter-terrorism issues are usually found on the Council's programme of work every six months, when the Council is briefed by the chairmen of its three counter-terrorism committees—the 1267/1989 Committee, the CTC and the 1540 Committee. In addition, the Council usually issues press statements to condemn specific terrorist attacks. On occasion, specific counter-terrorism issues, such as mandate renewals of expert groups, are also found on the programme of work.

Several Council members feel, therefore, that the Council's counter-terrorism efforts should be streamlined in order to make these efforts more visible to the public. To some members, one way to make the Council's role more visible is to hold high-level events every so often, in particular because more than two years have passed since the last high-level event on counter-terrorism in the Council.

At press time, Azerbaijan had circulated a draft presidential statement among Council members, and experts have started meeting to discuss the draft. Some Council members are concerned with what they perceive to be the wide scope of the draft, expressing the view that the Council should not encroach on counter-terrorism-related issues under the mandate of the General Assembly by addressing them in its presidential statements. Furthermore, some states are of the opinion that the draft statement should avoid touching upon sensitive issues such as state-sponsored terrorism.

For some members, a consensus document emphasising the importance of enhanced international cooperation in the implementation of counter-terrorism obligations and reiterating previous Council statements in this field would be a positive outcome.

## UN Documents

### Security Council Resolutions

- S/RES/1977 (20 April 2011) renewed the mandate of the 1540 Committee for ten years.
- S/RES/1963 (20 December 2010) extended the mandate of CTED until 31 December 2013.
- S/RES/1624 (14 September 2005) called on states to take measures to prohibit by law and prevent acts of incitement to commit terrorism.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its mandate.

### Security Council Presidential Statements

- S/PRST/2012/8 (29 March 2012) was on the political process in Yemen.
- S/PRST/2010/19 (27 September 2010) was on the various aspects of combating terrorism.

### Latest Meeting Record

- S/PV.6390 (27 September 2010)

### Security Council Press Statements

- SC/10585 (21 March 2012) was on attacks in Syria.
- SC/10571 (7 March 2012) was on attacks in Yemen.
- SC/10556 (23 February 2012) was on an attack in India and attempted attack in Georgia.
- SC/10530 (25 January 2012) was on attacks in Nigeria.

### Other

- S/2004/758 (22 September 2004) was the Costa Rican proposal on a UN High Commissioner on Terrorism.

## Counter-Terrorism

### Expected Council Action

In May, the chairs of the counter-terrorism-related committees—the 1267/1989 Committee, the Counter-Terrorism Committee (1373 or CTC) and the 1540 Committee, concerning weapons of mass

destruction—are expected to brief the Council. No outcome is anticipated.

### Key Recent Developments

#### 1267/1989 Committee

On 20 December 2011, the Council received the report of the analytical support and sanctions monitoring teams on linkages between Al-Qaida and the Taliban. The report was previously submitted to the 1267 Committee and the Taliban Sanctions Committee (established in resolution 1988) on 16 September 2011 and remains under consideration in both committees. The report notes that ties between the Taliban and other listed groups aligned with Al-Qaida are weak. It states that the 1988 list can be a useful tool for the promotion of a political process in Afghanistan while the Al-Qaida sanctions list remains a key part of international counterterrorism international efforts. Therefore, it concludes that dual listings should be avoided unless there are clear and obvious reasons to introduce them so both lists achieve their goals. Some Council members are of the view that ties between the two organisations are stronger and that dual listings are highly warranted.

On 20 January, the Ombudsperson submitted to the Council her first biannual report summarising her activities, pursuant to resolution 1989 of 17 June 2011. (The Ombudsperson is an independent and impartial appointee mandated by the Council to review and make recommendations on delisting requests from individuals and entities seeking to be removed from the 1267 sanctions list.) In the report, the Ombudsperson praises the overall positive cooperation by states, including from key states holding the most relevant material. However, she notes that some of the information submitted continues to lack the detail and specificity necessary for meaningful analysis and in some cases information is not received in a timely manner.

The report notes that all nine delisting cases taken in accordance with the revised procedure under resolution 1989 have resulted in delisting and concludes that the revised process encourages states' cooperation with the Ombudsperson and

enhances the fairness and transparency of the decision-making process.

In addition, the Ombudsperson asked the Council to consider mandating her office to follow up on claims of continued application of sanctions against delisted individuals and entities and to transmit exemption requests from individuals and entities directly to the 1267 Committee for its consideration.

### CTC

The Counter-Terrorism Committee Executive Directorate (CTED) conducted its first comprehensive visit to Myanmar from 21 to 25 November 2011. The delegation visited Myanmar to monitor and promote the implementation of resolutions 1373 and 1624 (that prohibits incitement to commit terrorism). Since 2005, CTED has completed 65 visits to UN member states.

CTED organised, with the cooperation of the Southeast Asia Regional Centre for Counter-Terrorism, the first regional workshop on cash couriers, held in Malaysia from 15 to 17 November 2011. The workshop brought together customs officers, prosecutors and officials of financial intelligence units from ten states of the subregion.

From 29 November to 1 December 2011, representatives of nine East African states, international and regional organisations and local civil society met in Nairobi, Kenya, at a regional workshop on the implementation of resolution 1624.

A workshop for police officers, prosecutors and judges on bringing terrorists to justice in South Asia was held in New Delhi from 20 to 22 March. The regional workshop was hosted by the government of India, in association with CTED.

On 9 January, CTED submitted to the Council its global survey of the implementation by states of resolution 1624. The report assesses the evolving nature of the threat posed by incitement to terrorist acts. It concludes that strengthened international cooperation and exchange of information, along with the development of comprehensive and integrated national responses may be among the most effective ways to counter and prevent incitement.

On 9 April, CTC Chairman Ambassador Hardeep Singh Puri (India) and CTED Executive Director Mike Smith briefed the UN membership on the work of the CTC in the past 9 months.

### 1540 Committee

On 1 February, the Committee submitted its first annual review to the Council, pursuant to resolution 1977. (As part of its intention to monitor the implementation of resolution 1540 more closely, resolution 1977 requires the Committee to submit an annual review to the Council on top of the five-year comprehensive review.) The report, prepared with the assistance of the group of experts, listed several steps that the Committee can take to implement its mandate, including:

- increasing efforts to identify assistance needs through dialogues at workshops and other venues;
- developing a committee strategy on engaging international, regional and subregional organisations and other entities;
- cooperating with relevant civil society entities with, as appropriate, their state's consent, on sharing information with the Committee on relevant activities; and
- improving the methodology for visits to states and country-specific activities with the benefit of the experience gained and lessons learned from those already conducted.

### Key Issues

Improving implementation by member states of all counter-terrorism Council resolutions is a key issue.

A new key issue is assessing the implications of the wider mandate of the Ombudsperson under resolution 1989 and whether her mandate should be further adjusted.

Regarding the 1540 Committee, a key issue is whether country visits will develop into a more regular practice and whether such trips would strengthen the Committee's work.

### Council and Wider Dynamics

Concerning the 1267/1989 Committee, Council members are currently reflecting on the perceived weakening in Al-Qaida's



capabilities, with the death of Osama Bin Laden and several of his deputies, and how this situation might impact the Committee's work. This issue and the work of the Ombudsperson to ensure listings are done under fair and clear procedures are likely to be touched upon in the chairman's briefing.

Regarding the CTC and CTED, Council members are looking forward to CTED's internal review of its own work, due to be submitted to the CTC by 30 June. Another point of discussion is the ways in which the CTC and CTED can assist states in prohibiting and preventing incitement to terrorist acts, in light of the recent global implementation survey of resolution 1624 (2005).

Council members appear to share broad support for the 1540 Committee's role in assisting member states in implementing measures related to resolution 1540.

Points that are likely to arise in all three chairmen's briefings are the issues of compliance with, and implementation of, the regimes. In the past months Council members have shown a growing interest in capacity-building and assistance to states in order to enable them to better comply with sanctions and their obligations under the regimes.

Historically, joint briefings by the chairs of the counter-terrorism committees, held since 2005, have attracted broad attention among member states and were often followed by open debates. It is unclear if this will be the case in May.

### UN Documents

#### Security Council Resolutions

- S/RES/1989 (17 June 2011) empowered the Ombudsperson to make delisting recommendations to the 1267/1989 Committee.
- S/RES/1977 (20 April 2011) renewed the mandate of the 1540 Committee for ten years.

- S/RES/1963 (20 December 2010) extended the mandate of CTED until 31 December 2013.
- S/RES/1624 (14 September 2005) called on states to take measures to prohibit by law, and to prevent, acts of incitement to commit terrorism.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its mandate.

#### Latest Joint Meeting Record

- S/PV.6658 (14 November 2011)

#### Other

- S/2012/79 (1 February 2012) was the 1540 annual review.
- S/2012/49 (20 January 2012) was the Ombudsperson's biannual report.
- S/2012/16 (6 January 2012) was the CTED global implementation survey of resolution 1624.
- S/2011/790 (20 December 2011) was the report on linkages between Al-Qaida and the Taliban.

#### Committee Chairs

##### CTC

Ambassador Hardeep Singh Puri (India)

##### 1540 Committee

Ambassador Baso Sangqu  
(South Africa)

##### 1267/1989 Committee

Ambassador Peter Wittig (Germany)

## UNSMIS (Syria)

### Expected Council Action

In May, Council members are expected to follow closely the implementation of resolution 2043, which established the UN Supervision Mission in Syria (UNSMIS) and requested the Secretary-General to report to the Council within 15 days and every 15 days thereafter.

The UNSMIS mandate expires on 20 July.

### Key Recent Developments

Kofi Annan was appointed as the UN-Arab League Joint Special Envoy for Syria on 29 February, shortly after the 16 February General Assembly request for such an appointment.

In a 21 March presidential statement, the Security Council expressed support for Annan's six-point plan to mediate the Syrian crisis. The six points are: an inclusive political process, cessation of all violence monitored by a UN-mechanism, humanitarian access, release of those arbitrarily detained, access for journalists and the right to demonstrate peacefully.

The Council signalled the urgency for the Syrian government to adhere to its committed timeline to cease violence in a 5 April presidential statement. (On 1 April the Syrian government had communicated to Annan that it would cease the use of heavy weapons and withdraw troops and military concentrations from population centres by 10 April, the deadline was later shifted to 12 April.)

On 14 April the Council unanimously adopted resolution 2042 authorising the deployment of 30 unarmed military observers to Syria and requesting the Secretary-General to provide proposals for a UN supervision mechanism.

Resolution 2043 was unanimously adopted on 21 April, establishing UNSMIS for a period of 90 days and comprised of up to 300 unarmed military observers and an appropriate civilian component to be deployed throughout the country. (Major General Robert Mood (Norway) was appointed as head of mission on 27 April.)

Annan briefed Council members on 24 April urging quick deployment of UNSMIS to consolidate the cessation of violence and create conditions for political transition. On 21 April, Syria informed Annan that it had withdrawn its military concentrations from population centres. It seems Annan said the letter was encouraging but sought clarification of Syria's view that it had fully implemented this aspect of the six-point plan noting that promises made were not promises kept. He expressed concern over reports of activity by Syrian troops before

and after visits by members of the advance team. He also said that despite positive gestures action on the six-point plan remained partial.

Under-Secretary-General for Peacekeeping, Hervé Ladsous, also briefed on the deployment of the advance team and UNSMIS. (At press time, 11 observers from the advance team were on the ground with the remainder and Major-General Mood expected in Damascus by the end of April. The UNSMIS deployment was being planned in three approximately equal phases with full staffing expected in three months.)

On 26 April the Arab League decided to request that Morocco (as the Arab voice on the Council) propose that the Council should respond more effectively to the need to protect civilians in Syria if the government does not implement its commitments to cease violence. The same day, the Arab League sent a letter to the Secretary-General underlining the need for rapid deployment of monitors and suggesting that assets from UN missions in the region could be used on a temporary basis until the UNSMIS formation was complete.

### Key Issues

The key issue for the Council is whether outstanding commitments by the Syrian government—outlined in resolutions 2042 and 2043—to withdraw troops and heavy weapons from population centres are fulfilled in order to create conditions conducive for an effective mission.

A closely related issue is reports of reprisal violence by Syrian authorities in areas visited by the advance team which would be a violation of resolutions 2042 and 2043.

Other UNSMIS-related issues include:

- the need for rapid deployment;
- the need to determine the requisite civilian component for UNSMIS to monitor and support the full implementation of the six-point plan; and
- the outstanding issue of appropriate air support for UNSMIS and the related issue of freedom of access and movement for mission personnel.

## Underlying Problem

While there were some media reports of a lull in the crisis after the 12 April cessation of violence, there have been other reports indicating that shelling and use of heavy weapons has continued in Homs, Hama, Idlib and Douma—a suburb of Damascus. There have also been reports of terrorist attacks in Damascus over the past several months. A massive explosion in Hama on 26 April, with the opposition and the government reporting widely divergent causes and casualties, in addition to an apparent suicide bombing in Damascus on 27 April, underscores that the level of violence after 12 April is on the uptick.

## Options

Options for the Council in May will very much depend on developments on the ground. In that regard, resolution 2043 asks the Secretary-General to immediately report any obstruction to the effective operation of UNSMIS and to submit necessary proposals to adjust the mandate.

An unlikely option, but one which may emerge more forcefully if the Syrian government does not comply with its commitments, might be consideration of sanctions.

## Council Dynamics

Council members broadly agree that Annan's mediation efforts and implementation of the six-point plan are the last and best chance of a peaceful resolution to the Syrian crisis. Members are also unanimous in their concern about reports of continuing violence and how this could negatively impact the potential for UNSMIS to be effective. Many Council members hope that by quickly deploying observers there will be a decrease in the level of violence—there is a strong desire by many Council members that UNSMIS is fully staffed sooner rather than later.

However, some Council members—while fully supportive of Annan and UNSMIS—remain sceptical about the Syrian government's willingness to adhere to its own stated commitments to cease violence, let alone to implement the six-point

plan. The P3 have indicated that it would like the Council to consider sanctions in the case of non-compliance by the Syrian government. The US has said its position on the renewal of UNSMIS in 90 days' time should not be taken for granted if there is not progress on the ground.

Russia has been consistently hesitant to define too clearly Syria's commitments in a binding resolution or to signal any consequential action in the case of non-compliance. In that regard, a red line for Russia will likely continue to be any inference by the Council that it may consider sanctions.

There also seems to be varying views among Council members on how robust a role UNSMIS should play in the event that any political transition process gets underway.

### UN Documents

#### Security Council Resolutions

- S/RES/2043 (21 April 2012) established UNSMIS.
- S/RES/2042 (14 April 2012) authorised the deployment of 30 military observers to Syria.

#### Security Council Presidential Statements

- S/PRST/2012/10 (5 April 2012) called on the Syrian government to cease violence by 10 April and the opposition to cease all violence 48 hours thereafter.
- S/PRST/2012/6 (21 March 2012) supported the Joint Special Envoy's six-point plan for mediation of the Syrian crisis.

#### Security Council Letters

- S/2012/250 (23 April 2012) was the preliminary understanding between the UN and Syrian government regarding the working arrangements for UNSMIS.
- S/2012/238 (19 April 2012) was the UNSMIS proposal.

#### General Assembly

- A/RES/66/253 (16 February 2012) requested the Secretary-General to appoint a special envoy for Syria.



## Lebanon

### Expected Council Action

In May, Council members are expecting the usual semi-annual briefing in consultations by Special Envoy Terje Rød-Larsen on the Secretary-General's report on the implementation of resolution 1559. This resolution, adopted in 2004, urged the disarmament of all Lebanese and non-Lebanese militias and the extension of government control over all Lebanese territory.

The crisis in Syria and its spillover effects into Lebanon will likely be a focus of discussion, along with their associated impact on the ongoing disarmament challenge and related border issues between Lebanon and Syria.

At press time, it seemed unlikely that the Council would take any formal action.

### Key Recent Developments

The last briefing by Rød-Larsen in October 2011 focused on Syrian incursions into Lebanon, ongoing challenges in disarming militias and the lack of progress in delineating the Syrian-Lebanese border.

Recently there have been reports of Syrian troops mining the border in northern Lebanon to prevent arms smuggling into Syria and to deter refugees or military defectors from entering Lebanon. (There are approximately 22,000 Syrian refugees in Lebanon and of those approximately 12,309 are registered by the UN. Syria has placed restrictions on men of military age leaving the country.)

Syrian shells landed in northern Lebanon on 21 and 27 March, apparently stray ordnance from attacks by Syrian forces on a Syrian village near the Lebanese border. Also on 27 March there were media reports of Syrian incursions into Lebanese territory during a clash on the border between Syrian troops and rebels. Lebanese authorities confirmed the fighting but denied the incursion. On 9 April a Lebanese journalist was

killed when his car came under targeted fire from the Syrian side of the border. Such incidents are likely to be flagged in the 1559 report.

Lebanese Foreign Minister Adnan Mansour met with Russian Foreign Minister Sergei Lavrov on 20 March in Moscow. Lavrov reiterated concerns that arms and fighters were being smuggled into Syria from neighboring countries, including Lebanon. Mansour said Lebanon had been largely able to control its border and had arrested 27 individuals suspected of smuggling arms into Syria. (Delineation of the Syrian-Lebanese border was originally intended to control the flow of arms in the opposite direction, i.e. to Hezbollah and other militias in Lebanon via Syria.)

Council members were briefed in consultations on 21 March by Special Coordinator Derek Plumbly on the implementation of resolution 1701. During his briefing he expressed concern about the border situation between Lebanon and Syria.

Analysts note that in addition to such border incidents, the Syrian crisis is impacting the already fragile political landscape in Lebanon.

Prime Minister Najib Mikati, who heads a Hezbollah-led cabinet, has established a policy to “disassociate” Lebanon from major international decisions on Syria. Mikati has emphasised the policy’s importance to maintain stability within Lebanon.

Hezbollah Secretary-General Hassan Nasrallah said on 15 March that all forms of killing must stop in Syria. This seems to be a measured shift in Hezbollah’s posture from December 2011, when Nasrallah expressed support for the government-announced reforms in Syria and said Hezbollah stood with the regime and against the resistance. (Hezbollah receives much of its international support from Syria and Iran. Iran has also been modulating how it expresses support for Syrian President Bashar al-Assad.)

Former Lebanese Prime Minister Saad Hariri criticised both the current government’s policy of “disassociation” and Hezbollah’s support for the Syrian regime

during a 7 March speech introducing his party’s new political platform in the run-up to the parliamentary elections in 2013. (Hariri heads the 14 March political coalition, which takes its name from the date of the “Cedar Revolution”, which followed the assassination of his father, former Prime Minister Rafiq Hariri, on 14 February 2005, and led to Syrian withdrawal from Lebanon after a thirty-year presence.)

On 4 April there was an assassination attempt on Samir Geagea, head of the Lebanese Forces, who is aligned with the 14 March coalition and has been critical of the Syrian government.

On 13 March the pre-trial judge of the Special Tribunal for Lebanon rejected, on procedural grounds, the request by the prosecutor to amend the original indictment of four Hezbollah members to include a new charge of “criminal association”. The trial in absentia of those accused in the assassination of Hariri and 22 others is not anticipated until later in 2012. On 29 February, the Secretary-General appointed Norman Farrell as prosecutor, replacing Daniel Bellemare, who did not seek a second term due to health reasons.

### **Key Issues**

Hezbollah’s rearmament since the end of the 2006 war with Israel remains an issue. Council members are likely to be concerned about the presence of weapons outside the reach of the Lebanese government as it raises questions about arms smuggling and the porous Lebanese-Syrian border.

A recurring issue has been whether the Council might revisit the level of attention it allocates to resolution 1559 as some of its outstanding elements are also covered in resolution 1701. Syria maintains that it met its 1559 obligations when it withdrew from Lebanon in 2005. However, most Council members feel a key dimension of the resolution is Lebanese/Syrian border security, and its delineation is outstanding.

### **Underlying Problems**

Hezbollah maintains significant military capacity in violation of resolutions 1559 and 1701. However, this has been justified by some as a reaction to the ongoing Israeli

occupation of portions of Lebanese territory, particularly the Sheb’a Farms and Kafr Shuba hills.

The ongoing Syrian crisis will indefinitely stall any meaningful implementation of resolution 1559.

### **Options**

Given the apprehension about the impact on Lebanon from the situation in Syria, the most likely option is for the Council to maintain its wait-and-see posture.

April’s open debate on securing borders against illicit flows could provide Council members with a further framework to articulate its approach to Syrian-Lebanese border issues and its negative impact on the security situation in the region.

In terms of improving the efficiency of the Council’s working methods, an option might be to decide to consider future reports on the implementation of resolutions 1559 and 1701 during the same meeting so as to think through the issues holistically and better respond to the linkages between the two situations.

The Special Tribunal for Lebanon is independent. Council members will want to respect that and monitor the impact on Lebanon’s political environment as the trial phase approaches.

### **Council Dynamics**

Most Council members seem to agree that there is still a need for compliance with two major outstanding 1559 issues — disarmament and delineation of the Syrian-Lebanese border—but maintaining stability in Lebanon may be the only achievable goal in the medium term.

Most Council members agree that the situation requires sustained Council attention. However, progress on disarmament, border delineation and stemming arms smuggling is only likely in the context of an inter-Lebanese dialogue and improvement on the Israel-Syria track. Neither is likely to experience breakthroughs in the foreseeable future, especially in the context of the Syrian situation. (The Lebanese national dialogue is stalled over the issue of Hezbollah’s arms; it last met in November 2010.)

The Council has not taken any action on a 1559 report since June 2007. Shortly after that time, France—the lead country on Lebanon in the Council—had reengaged with Syria and may have felt that public pronouncements at that juncture would not help to resolve outstanding 1559 issues. By 2009 the political situation had been improving under Hariri. Lebanon, during its own term as an elected member on the Security Council in 2010 and 2011, was uneasy about any change to prevalent practices when it came to Lebanese issues in the Council. The collapse of the Hariri government in January 2011 over the Tribunal issue and the impact in Lebanon from the Syria crisis are additional factors that have led the Council away from any action that might exacerbate the situation inside Lebanon.

Regarding the Tribunal, Council members have generally underscored the importance of its independence and foresee no Council role in its activities.

## UN Documents

### Security Council Resolutions

- S/RES/2004 (30 August 2011) renewed UNIFIL's mandate until 31 August 2012.
- S/RES/1757 (30 May 2007) established the Special Tribunal for Lebanon.
- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel.
- S/RES/1680 (17 May 2006) strongly encouraged Syria to delineate its common border with Lebanon.
- S/RES/1559 (2 September 2004) urged the disarmament of all militias and extension of the Lebanese government's control over all Lebanese territory.

### Latest Secretary-General's Reports

- S/2012/244 (20 April 2012) was on resolution 1559.
- S/2012/124 (28 February 2012) was on resolution 1701.

### Security Council Meeting Record

- S/PV.6760 (25 April 2012) was the open debate on securing borders against illicit flows.

## Yemen

### Expected Council Action

In May, the Council is expecting a briefing in consultations on the situation in Yemen by the Secretary-General's Special Adviser, Jamal Benomar. (Benomar has been briefing the Council regularly since the adoption of resolution 2014 on 21 October 2011.)

No Council action is expected at this point.

### Key Recent Developments

The overall security situation continues to be worrisome. On 26 February, 26 people were reported killed and several injured in a suicide bombing outside a presidential palace in the city of Al-Mukalla, with Al-Qaida claiming responsibility. On 4 March, an Al-Qaida-affiliated group called Ansar al-Sharia (Partisans of Islamic Law) reportedly attacked a military post in Zinjibar that led to the death of at least 185 government soldiers and the capture of 72 soldiers. On 28 March, Al-Qaida members kidnapped Abdullah al-Khalidi, Saudi Arabia's deputy consul in Aden, later demanding the release of militants in Saudi prisons. (While some reports indicated that militants affiliated with Al-Qaida were responsible for both incidents, other reporting pointed to loyalists of former President Ali Abdullah Saleh as the real culprits.) At least 200 people were reportedly killed during clashes between members of Ansar al-Sharia and pro-government forces in Lawdar and Mudia in Abyan province that began on 9 April and lasted several days.

Benomar last briefed the Council on 7 March after a visit to Yemen. He highlighted the economic, political, security and humanitarian challenges and expressed concern regarding the Al-Qaida threat in Yemen. In a press statement the same day, members of the Council condemned the terrorist attacks of 4 March in the town of Zinjibar in Abyan province.

In a presidential statement adopted on 29 March, the Council voiced its concern over the deteriorating situation since the transfer of power, following the 21 February presidential elections, to Abdrabuh Mansour Hadi and stressed the need for all



political actors to remain committed to the political transition. The Council welcomed the efforts of the Friends of Yemen and noted the importance of its next meeting on 23 May. (Britain, Saudi Arabia and Yemen jointly chair the group, which includes key Gulf countries, the G8 and intergovernmental organisations.) The Council endorsed the Secretary-General's intention to deploy a team of experts to work alongside the UN country team and monitor progress on the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism in consultation with the Yemeni government. (Saleh signed the GCC initiative in Riyadh on 23 November after negotiating an accompanying "implementation mechanism" that dealt with the details of the transition process, including the granting of immunity to Saleh and his aides, his role during the transition period, as well as the timeframe.)

The state of political affairs following the transfer of power from Saleh to Hadi remains challenging. On 20 March, Saleh reportedly threatened to pull his loyalists from the unity cabinet that was formed under the terms of the GCC initiative. (The 34-member unity cabinet was appointed in December 2011. It has an equal number of ministers from Saleh's General People's Congress party and the parliamentary opposition's Common Forum alliance.)

On 23 March, thousands of protesters across Yemen demanded the prosecution of Saleh, who has been granted immunity under the GCC initiative.

On 6 April, Hadi dismissed the Air Force chief, Gen. Mohammed Saleh al-Ahmar, who is Saleh's half-brother, and the head of the presidential guard, Gen. Tarek Mohamed Abdullah Saleh, Saleh's nephew. Hadi also replaced close to 20 other senior military officers who were Saleh loyalists. However, on the following day, forces loyal to al-Ahmar shut down

Sanaa airport and threatened to shoot down aircrafts. The airport was eventually reopened on 8 April.

### Human Rights-Related Developments

In a resolution adopted without a vote at its March session, the Human Rights Council (HRC) called upon all parties in Yemen to release persons arbitrarily detained by them and to end practices of unlawful detention. The resolution also looked forward to further progress by the government in conducting transparent investigations into credible documented allegations of human rights violations through an independent national committee and in consultation with political parties. The HRC called on the international community to support Yemen during the transition period and provide financial support in order to strengthen stability in the country. It requested the High Commissioner for Human Rights to report to the HRC on the situation in Yemen at its session in September 2012.

### Key Issues

The key issue for the Council is to determine what role it can play in post-Saleh Yemen to foster a peaceful political transition that abides by the timetables of the GCC initiative and the accompanying implementation mechanism.

A further issue, as of yet not given due consideration by the Council, is its role in preventing a possible civil war that might threaten Yemen's territorial integrity, particularly in light of the long standing grievances of the South, which before 22 May 1990, was the independent People's Democratic Republic of Yemen.

A related issue for the Council is dealing with the continuously precarious security situation in Yemen, which could undermine the new government's position and the prospects for the political transition process.

### Options

The Council's options include:

- keeping abreast of the developments in Yemen and receiving regular briefings

from Benomar and the Department of Political Affairs;

- issuing a statement encouraging Yemen's key players to continue to engage in dialogue and ensure the full implementation of the GCC initiative and the accompanying mechanism, while emphasising greater unity and political inclusiveness, with the aid of the GCC; or
- agreeing on a stronger message cautioning that the Council will be watching the political process closely and warning potential spoilers against any attempt to derail the current transition process (a less likely option).

### Council Dynamics

While remaining cautiously optimistic, Council members acknowledge that despite the symbolism of presidential elections the process of political transition remains fragile. They are aware that Saleh still holds considerable influence as the head of one of the main political parties, with close relatives holding key military positions despite the recent reshuffle, and may therefore be capable of derailing the process.

Council members are also aware that the perceived lack of inclusiveness of the GCC initiative and the continuing poor security situation need to be remedied soon even if the transition seems to be on track for now. Most members would like to maintain the current focus until the full application of the GCC initiative and the accompanying implementation mechanism has occurred. However, they realise that the Council ought to remain seized of the matter.

The UK has the lead in the Council on Yemen.

### UN Documents

#### Security Council Resolution

- S/RES/2014 (21 October 2011) endorsed the GCC initiative for a peaceful transition of power.

#### Security Council Presidential Statement

- S/PRST/2012/8 (29 March 2012) noted Council members' concern over the deterioration in the situation since the transfer of power to President Abdrabbuh Mansour Hadi on 25 February.

### Security Council Press Statements

- SC/10571 (7 March 2012) condemned the terrorist attacks that occurred in Abyan province.
- SC/10553 (22 February 2012) noted the significance of presidential elections and encouraged further transitional steps to be taken promptly.
- SC/10529 (25 January 2012) welcomed the formation of the Government of National Unity and called for credible elections on 21 February.
- SC/10504 (22 December 2011) welcomed the progress that had been made in implementing the GCC initiative and reiterated the Council's call that it be implemented in a timely and transparent manner.
- SC/10460 (28 November 2011) welcomed the signing of the GCC initiative.
- SC/10394 (24 September 2011) urged all parties to reject violence.
- SC/10357 (9 August 2011) expressed concern at the worsening economic, humanitarian and security situations.
- SC/10296 (24 June 2011) expressed grave concern at the deteriorating security and humanitarian situation.

### Latest Meeting Records

- S/PV.6744 (29 March 2012)

### Other Relevant Facts

#### Special Adviser to the Secretary-General on Yemen

Jamal Benomar (Morocco)

## Sudan and South Sudan

### Expected Council Action

In May, the Council will likely renew the mandate of the UN Interim Security Force in Abyei (UNISFA), which expires on 27 May.

Additional Council meetings on Sudan-South Sudan issues may occur, given the sharp deterioration of relations between the two countries in April. At press time, it appeared that the Council might begin negotiating a resolution on this matter.

## Key Recent Developments

After skirmishes along the Sudan-South Sudan border in late March, Sudan cancelled a summit meeting between President Omar al-Bashir of Sudan and President Salva Kiir of South Sudan that had been scheduled for 3 April in Juba. In the ensuing days and weeks, the violence in the border regions escalated significantly, although neither side made a formal declaration of war.

On 10 April, South Sudan seized the disputed border area of Heglig, which is approximately 100 kilometres east of the disputed Abyei region. It said it had done so while repulsing attacks by the Sudanese Armed Forces (SAF). Sudan labelled the seizure of Heglig an act of aggression and vowed to retake the area. Rebels from the Justice and Equality Movement, the Darfur-based rebel group, were reported to be fighting alongside the South Sudan forces occupying Heglig. In a letter to the Council on 14 April, South Sudan indicated that it would leave Heglig if an international monitoring mechanism were put in place, urging the Council to consider deploying a “neutral” force there until its final status can be settled. (While disputed, Heglig has been administered by Sudan since South Sudan achieved independence in July 2011. The area accounts for roughly half of Sudan’s oil production of 115,000 barrels per day.)

On 11 April, Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations, briefed Council members in consultations on the most recent report of the Secretary-General on Abyei and the tensions between Sudan and South Sudan (S/2012/175). During the consultations, it was noted that the situation in Abyei had reached a stalemate. As indicated in the Secretary-General’s recent report, security forces from both sides remain in the region, the parties have not agreed on the Abyei Area Administration and the final status of Abyei has not been determined. (The goal of the Abyei Area Administration would be to provide basic services to the population, propose development projects, and promote security and stability in

the region.) It appears that the discussion also focused on the fighting that had occurred along the Sudan-South Sudan border in the prior days, especially regarding the seizure of Heglig.

On 12 April, Sudan dropped six bombs near Bentiu, the capital of South Sudan’s Unity state, claiming the life of a South Sudanese soldier. Five bombs were also dropped on the town of Mayom, also in Unity, on April 16, killing eight civilians and hitting a logistics base belonging to the UN Mission in South Sudan (UNMISS).

There were also reports of ground combat between the SAF and South Sudanese forces on 18-19 April in areas other than Heglig. The Sudanese Media Centre, a pro-Khartoum news agency, reported that the SAF drove South Sudanese forces across the border after fighting in Al-Meram, South Kordofan. A South Sudan government spokesperson also said that other skirmishes occurred in Northern el-Ghazal and in Western Bahr el-Ghazal, states located in the western part of South Sudan.

On 12 April, the Council adopted a presidential statement (S/PRST/2012/12) in which it, *inter alia*:

- expressed deep and growing alarm at the escalation of the conflict between Sudan and South Sudan;
- demanded “a complete, immediate, and unconditional” end to all fighting, including a withdrawal of South Sudan from Heglig and an end to aerial bombings by the SAF, cross-border violence by both countries and support by each side to proxy forces on the other side of the border;
- urged both sides to establish a safe demilitarised border zone; and
- reiterated its demand for both sides to withdraw their security forces from Abyei.

The Council was one of several institutional voices expressing deep concern at the actions of Sudan and South Sudan. On 11 April, the EU issued a press statement calling both the occupation of Heglig by South Sudan and the bombings of South



Sudanese territory by Sudan “completely unacceptable”. Likewise, in a press statement issued on 12 April, the AU Peace and Security Council “strongly condemned” the conduct of Sudan and South Sudan, demanding the withdrawal of South Sudan from Heglig and an end to Sudan’s aerial bombardments of South Sudan. Key UN officials, including Secretary-General Ban Ki-moon and High Commissioner for Human Rights Navi Pillay, also voiced alarm at the escalation of violence between the two countries and its impact on civilians.

On 12 April, Kiir addressed South Sudan’s National Legislature on the state of relations between the two countries. He said that, in response to a request from Ban to withdraw from Heglig during a phone call the day before, he told the Secretary-General, “I am not under your command.” While indicating that South Sudan was committed to peace, Kiir said that it would defend itself.

On 17 April, Council members held an “informal interactive dialogue” focusing on the latest developments along the Sudan-South Sudan border. Thabo Mbeki, chair of the AU High-Level Implementation Panel on Sudan and South Sudan, and Haile Menkerios, the Special Envoy of the UN Secretary-General on Sudan and South Sudan, addressed Council members during the meeting. Mbeki and Menkerios alerted Council members that hardliners had the upper hand in both Juba and Khartoum and that both parties were “locked in a logic of war.” Council members also discussed potential strategies to exert leverage on the parties to induce their cooperation, including the threat of sanctions.

On 20 April, Kiir’s office issued a press release announcing that South Sudan had begun to withdraw from Heglig, in

accordance with the Security Council's presidential statement of 12 April and "in response to appeals by world leaders and to create an environment for the resumption of dialogue with Sudan." South Sudan further said that it expected the status of Heglig and other areas along the border to be referred to international arbitration. On the same day, Sudan declared that it had retaken Heglig.

Fighting continued in the next days. On 22 April, media reports indicated that Sudan had engaged South Sudan across the border in Unity State. On 23 April, Sudan dropped two bombs in Bentiu, reportedly killing three people.

Actions and statements of officials on both sides during the month reflected the heightened tensions between the countries. On 16 April, members of the Sudanese parliament voted unanimously to treat the government of South Sudan as an "enemy". On 18 April, Bashir referred to the Sudan Peoples' Liberation Movement, the ruling party in Juba, as "insects" and said that the people of South Sudan needed to be freed from them. While visiting Heglig on 23 April, Bashir said that the time for talking had ended and that South Sudan understood only "the language of guns and ammunition." On 24 April, while on a state visit to China, Kiir said that Sudan had "declared war on the Republic of South Sudan".

On 24 April, Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, Hilde Johnson, Special Representative of the Secretary-General and Head of UNMISS, and Menkerios, briefed Council members during consultations. Council members were informed that, since the departure of South Sudan from Heglig, Sudan had carried out ground incursions into South Sudan and conducted aerial bombardments there that claimed the lives of 16 civilians and wounded 34 others.

Also on 24 April, the AU Peace and Security Council issued a comprehensive communiqué that included a "roadmap" which, *inter-alia*, called for:

- an end to hostilities, including aerial bombardments, within 48 hours;

- a cessation by both countries of support for rebel groups fighting against the other country;
- an end to "hostile propaganda and inflammatory statements in the media";
- establishment within one week of the Joint Border Verification and Monitoring Mission and the Secure Demilitarised Border Zone along the border separating the two countries; and
- redeployment of security forces of both parties from Abyei.

The communiqué further urged Sudan and South Sudan to resume negotiations on oil revenue, citizenship issues, border demarcation, and the status of Abyei, within two weeks. If the parties fail to reach agreement on "any or all" of these issues within three months of resuming negotiations, the communiqué requested that the AU High-Level Implementation Panel submit a report on the status of negotiations, "including detailed proposals on all outstanding issues, to be endorsed as final and binding solutions to the post-secession relations." It added that the AU was seeking the "endorsement of, and support by" the UN Security Council of this decision.

### Key Issues

A key issue is whether and how the Council can exert sufficient leverage on the parties to deter them from expanding their conflict, induce them to cease fighting, and convince them to return in good faith to the negotiating table. Since February, the Council has produced two press statements and two presidential statements regarding the situation in Sudan and South Sudan with what appears to be minimal impact on the calculations of the parties.

Key issues related to the renewal of the mandate of UNISFA, that will likely be on Council members' minds, include:

- the presence of security forces from both sides in Abyei in violation of prior agreements;
- the impact that the presence of Sudanese troops in Abyei has in deterring displaced persons from returning to the region;
- the lack of progress by the parties in establishing the Abyei Area Administration; and

- the lack of progress by the parties in establishing the Joint Border Verification and Monitoring Mechanism along their mutual border.

Another important issue is the ongoing humanitarian crisis unfolding in South Kordofan and Blue Nile states in Sudan. (Sudan has yet to respond to the AU, UN, and Arab League tripartite proposal of 9 February, which presented a plan to provide humanitarian aid to civilians in both government and rebel controlled territories of both states.)

### Options

With respect to Abyei, the most likely option is for the Council to adopt a resolution renewing the mandate of UNISFA. The Council may request to be briefed by Tadesse Werede Tesfay, the force commander and head of mission, on recent developments in Abyei and activities of the mission. In adopting the resolution, the Council could reiterate key messages to the parties, including:

- emphasising the need for the security forces of Sudan and South Sudan to leave Abyei;
- urging the parties to establish the Abyei Area Administration by making the necessary compromises on appointments to the body; and
- urging the parties to expedite the establishment of the Joint Border Verification and Monitoring Mechanism.

On the relationship between Sudan and South Sudan more broadly, the Council may also consider coercive measures to induce the parties to cease their fighting, including:

- the threat of sanctions on the parties;
- the imposition of a buffer zone along the border; and
- the imposition of a no-fly zone along the border.

The Council may also consider using elements of the 24 April AU Peace and Security Council communiqué as a basis for a resolution addressing the situation in Sudan and South Sudan.

The ad-hoc Working Group on Conflict Prevention and Resolution in Africa might

also be a forum in which the Council could strive to develop strategies to forestall the escalation of conflict between Sudan and South Sudan.

### Council Dynamics

Some elected members believe that key permanent members have demonstrated a greater willingness to compromise in recent months than had been the case in the past on issues related to Sudan and South Sudan. The output of the Council since mid-February on Sudan and South Sudan—including two press statements and two presidential statements—appears to demonstrate progress in terms of the ability of members to be flexible and pragmatic in negotiations. This progress seems to be a departure from the sense of stalemate in the Council that some members perceived throughout much of 2011.

While differences remain on some issues, Council members are unified in their concern about the deteriorating state of relations between Sudan and South Sudan. Among other things, most members are particularly critical of the ongoing bombardment of South Sudan by Sudan, the seizure by South Sudan of Heglig, and the fighting along the Sudan-South Sudan border more generally. At present, it also seems that the Council—as well as the AU, individual member states, and key UN officials—is working hard to consider strategies that will have maximum leverage on the parties, as relations between Sudan and South Sudan have deteriorated over the past month in spite of the Council's significant engagement.

It seems that many Council members welcome the 24 April communiqué of the AU Peace and Security Council, and continue to support the strong role of the AU in mediating between Sudan and South Sudan. Some members likewise believe that the communiqué might serve as a useful springboard for negotiations on a resolution addressing the tensions between the two countries.

The US is the lead country on UNISFA and Sudan-South Sudan issues.

## UN Documents

### Security Council Resolutions

- S/RES/2032 (22 December 2011) renewed UNISFA's mandate.
- S/RES/2024 (14 December 2011) added a border-monitoring support role to UNISFA's mandate.
- S/RES/1990 (27 June 2011) established UNISFA.

### Latest Secretary-General's Report

- S/2012/175 (23 March 2012) was the latest report on Abyei.

### Presidential Statements

- S/PRST/2012/12 (12 April 2012) demanded that South Sudan withdraw from Heglig and that Sudan end its aerial bombardments.
- S/PRST/2012/5 (6 March 2012) urged the parties to reach agreement on the unresolved issues separating them.

### Press Statements

- SC/10594 (27 March 2012) was primarily on the violence along the Sudan-South Sudan border.
- SC/10543 (14 February 2012) was on South Kordofan and Blue Nile.

### Other

- S/2012/225 (14 April 2012) was a letter from South Sudan to the Security Council.

## Other Relevant Facts

### UNISFA: Size and Composition

*Maximum authorised strength:* up to 4,200 military and 50 police  
*Deployment as of 31 March:* 3,779 total uniformed personnel (including 3,716 troops and 83 military observers); also includes 32 international civilian personnel (as of 31 December 2011).  
*Troop contributor:* Ethiopia

## Somalia

### Expected Council Action

In May, the Council is expected to consider the AU report on the implementation of the mandate of the AU Mission in Somalia (AMISOM) (due 18 May), as requested by resolution 2036, as well as the Secretary-General's regular report on



Somalia (due 30 April). Special Representative of the Secretary-General, Augustine Mahiga, and Under-Secretary-General for Political Affairs, B. Lynn Pascoe, are expected to brief. Council members are also likely to hold informal consultations. At press time it was unclear whether there would be any outcome.

Many Council members will also likely participate in the international conference on Somalia to be held on 31 May and 1 June in Istanbul under the theme "Preparing for Somalia's Future: Goals for 2015". The conference aims to agree on a set of concrete actions to enable a smooth end to the transition and build consensus on longer term international assistance to Somalia in the areas of state-building and economic development.

### Key Recent Developments

The Council last discussed Somalia on 5 March. Following an open debate with briefings by both the Secretary-General and Mahiga, the Council adopted a presidential statement welcoming the 23 February London conference on Somalia and expressing support for its communiqué.

Additionally, the statement reiterated key messages relating to the political process and emphasised the need for continued international support for AMISOM and the development of Somali security forces. It also stressed the importance of effective governance, encouraged international support for reconstruction and economic development, as well as continued humanitarian assistance and expressed concern about the continuing threats of piracy and terrorist attacks by the Islamist rebel group Al Shabaab and others.

On 26 March, signatories to the roadmap for ending the transition in Somalia met in Galkayo. The participants agreed to some changes to the principles agreed at the second Somali national consultative constitutional conference held in Garowe from

15 to 17 February (Garowe II). The size of the National Constituent Assembly was reduced from 1,000 members to 825, to be nominated by a group of 135 traditional leaders apportioned according to the 4.5 clan formula allotting 30 leaders to each of the four majority clans and 15 leaders to the minority clans.

The Somali leaders responsible for selecting the 825 members of the National Constituent Assembly held a preliminary meeting on 25 April. At the meeting the leaders also discussed the recently finalised draft constitution. Adoption of the constitution by the National Constituent Assembly has been set for 22 May. (This is in accordance with the timeline set out in the roadmap.)

There was also a meeting on the end of the transition for Somali civil society representatives in Entebbe, Uganda, from 23 to 27 March, at which they reconfirmed their commitment to the roadmap and selected an ad hoc committee to serve as a core interlocutor for the transitional process.

The AU submitted its first report on the implementation of AMISOM's mandate under resolution 2036 on 20 March. The report noted a significant improvement in the security situation in Mogadishu and its environs. It expressed concern, however, over Al Shabaab's increasing use of improvised explosive devices and suicide bombs. Also according to the report, the total strength of AMISOM is expected to reach 17,530 troops out of an authorised 17,731 by mid-May.

On 30 March, the AU convened a consultative meeting in Addis Ababa on efforts to strengthen the Somali security sector. Participants included representatives of the Transitional Federal Government (TFG), AMISOM troop contributing countries, other interested countries and the UN. Discussions centred on the support needed by Somali forces, their command and control architecture and their restructuring. An AU-led working group was established to bring together all stakeholders and follow up on the conclusions of the meeting.

On 5 April, 100 Ugandan and Burundian troops were deployed by AMISOM to

Baidoa, in advance of a contingent of 2,500 troops. The move represents the first time AMISOM has operated outside of Mogadishu since its establishment in 2007.

Security has remained precarious. A suicide bombing on 4 April, for which Al Shabaab claimed responsibility, killed at least eight people during a ceremony at Mogadishu's recently reopened national theatre. Though Prime Minister Abdiweli Mohamed Ali was present at the time, he was unhurt by the bomb. Special Representative Mahiga expressed outrage over the attack. It was also strongly condemned by Council members in a 5 April press statement. On 9 April, another bomb exploded in the market of the town of Baidoa (from which Somali and Ethiopian forces expelled Al Shabaab in February), killing at least 11 people. In a separate attack on 17 April outside a UN compound in Baidoa, a suicide bomber killed at least one Somali soldier and injured many others. Al Shabaab claimed responsibility for both attacks.

The political situation remained difficult. The national theatre bombing exposed a climate of continuing mistrust between various factions within the TFG as President Sheikh Sharif Sheikh Ahmed was accused of withholding information from the Prime Minister and others regarding inadequate security arrangements at the event. (A board of inquiry was established on 22 April to investigate the attack.) A rift has also been growing between the TFG and certain members of parliament who have called for early presidential elections in contravention of the schedule set out in the roadmap. At a meeting on 18 April with Ahmed and Ali, Mahiga urged all parties to resolve their differences.

The EU on 23 March extended the mandate of the EU Naval Force counter-piracy mission operating off the coast of Somalia (Operation Atalanta) until December 2014. The Council also expanded the mission's area of operations to include coastal territory and internal waterways.

On 29 March, the Contact Group on Piracy off the Coast of Somalia met in New York. In a communiqué following the meeting, the Contact Group noted significant developments in counter-piracy efforts by the

international community, but emphasised the continuing threat of piracy and called for a comprehensive approach combining counter-piracy activities and wider efforts to stabilise Somalia and promote the rule of law.

On 3 April, the Famine Early Warning Systems Network predicted below average rainfalls in the Horn of Africa, prompting fears of a renewed humanitarian crisis in Somalia in the coming months.

### Sanctions-Related Developments

On 28 March, the chair of the Somalia/Eritrea Sanctions Committee, Ambassador Hardeep Singh Puri (India) briefed Council members in informal consultations on the work of the Committee. (The chair is required to report to the Council every 120 days.) The Committee received a mid-term briefing from the Monitoring Group for the sanctions regime on 3 February, and on 17 February announced the addition of one individual to the sanctions list. On 18 April, the Committee met with Ambassador Araya Desta of Eritrea, having invited him to present Eritrea's views on the sanctions and the work of the Monitoring Group.

### Human Rights-Related Developments

During its March session, the Human Rights Council (HRC) adopted a resolution without a vote in which it expressed its continued serious concern about the human rights and humanitarian situation in Somalia. It strongly condemned the grave and systematic human rights abuses against the civilian population, particularly by Al Shabaab. The HRC also urged all parties to take immediate steps to protect and end abuses and violations committed against children. It called for consolidation of progress made at the 23 February London conference on Somalia at which respect for human rights was acknowledged as being at the heart of the peace process. The HRC requested the Secretary-General to submit to the HRC at its September session a report assessing UN support for efforts in Somalia to end human rights abuses and combat impunity.

## Key Issues

A continuing key issue for the Council is progress in implementing the roadmap for ending the transition by 20 August in accordance with the principles agreed at Garowe I and II and beyond, in particular with regard to adoption of the constitution in May.

Another key issue is the implementation of the new strategic concept for AMISOM as endorsed by the Council in resolution 2036, including deployment of additional troops, expansion of the mission's area of operation and securing additional resources. A closely related issue is whether there has been progress in stabilising and expanding government control in areas recently taken over by AMISOM and Somali security forces.

A further issue is how best to support the upcoming Istanbul conference on Somalia in order to ensure a successful outcome that can help achieve long-term peace and stability in Somalia.

## Options

Main options for the Council include:

- listening to the scheduled briefings, but taking no further action until after the Istanbul conference;
- adopting a statement looking forward to the Istanbul conference, encouraging stakeholders to maintain their focus and momentum with regards to ending the transition, supporting the work of the Special Representative as well as the work of the UN Political Office for Somalia and AMISOM and addressing specific concerns relating to progress toward ending the transition, political infighting, the security and humanitarian situation, stabilisation in liberated areas and piracy;
- addressing more specifically the issue of potential spoilers, discouraging those seen as impeding the transitional process;
- addressing possible conditions for holding dialogues between all stakeholders in Somalia in order to advance national reconciliation; and

- expressing support for enhanced efforts to combat impunity for violations of international human rights and humanitarian law.

## Council Dynamics

There appears to be little controversy regarding Somalia in the Council at the moment. Since the adoption of resolution 2036 last February, Council members seem to have reached consensus on the major questions. They welcome the progress that has been made on the political front towards ending the transition as well as with regard to implementation of the new strategic concept for AMISOM, but also continue to caution that there is still a lot of work to be done.

A looming source of potential discord for the Council, however, concerns its role in encouraging or supporting forms of national dialogue and national reconciliation in Somalia that would include representatives of Al Shabaab. While many Council members are presently opposed to engaging Al Shabaab at all, changes in the political and security environment in Somalia in the coming months could bring this issue to the fore. Turkey has offered to play a mediating role between the TFG and Al Shabaab and intends to include the issues of dialogue and reconciliation in the agenda for the Istanbul conference.

The UK is the lead country on Somalia in the Council, while India chairs the sanctions committee and Russia has taken the lead on legal issues related to piracy.

## UN Documents

### Security Council Resolutions

- S/RES/2036 (22 February 2012) authorised an increase in AMISOM's troop ceiling as well as an expansion of its UN support package and imposed a ban on importing charcoal from Somalia.
- S/RES/2010 (30 September 2011) extended the authorisation of AMISOM until 31 October and expanded the logistical support package for the mission from assessed contributions as



recommended by the Secretary-General in a 21 September 2011 letter to the Council (S/2011/591).

### Presidential Statement

- S/PRST/2012/4 (5 March 2012) welcomed the 23 February London conference on Somalia and fully supported its communiqué.

### Secretary-General's Report

- S/2012/74 (31 January 2012) was a special report on Somalia, including recommendations on AMISOM's new strategic concept.

### Meeting Record

- S/PV.6729 (5 March 2012) was the open debate on Somalia following the 23 February London conference.

### Other

- SC/10602 (5 April 2012) was a Council press statement condemning the 4 April suicide attack in Mogadishu.
- S/2012/176 (23 March 2012) contained the 30-day AU report on AMISOM requested by resolution 2036.
- A/HRC/19/L.28/Rev.1 (22 March 2012) was the HRC resolution on Somalia.

## Other Relevant Facts

### Special Representative of the Secretary-General

Augustine Mahiga (Tanzania)

### AMISOM

*Maximum authorised strength:* 17,731 troops, plus maritime and air components  
*Strength as of 20 March 2012:* about 9,961 Ugandan, Burundian, and Djiboutian troops  
*Duration:* February 2007 to present. Council authorisation expires on 31 October 2012; AU mandate expires on 16 January 2013.

## Council Visiting Mission to West Africa

### Expected Council Action

A Council mission will visit West Africa during the week of 21 May. The itinerary so far includes Liberia, Sierra Leone and Côte d'Ivoire. The visit to Liberia will follow-up on the findings of a special UN assessment mission on the UN Mission in Liberia (UNMIL), which submitted its report to Council members on 16 April. In Sierra Leone, Council members will likely want to assess the future of the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), and hold discussions with the government, opposition party leaders and civil society actors on the forthcoming presidential and parliamentary elections on 17 November. In Côte d'Ivoire, the Council members will follow-up on a report of an assessment mission of the UN Operation in Côte d'Ivoire (UNOCI), which was submitted to them on 29 March.

The visit to Liberia is likely to be co-led by the US and Morocco; to Sierra Leone by the UK and South Africa; and to Côte d'Ivoire by France and Togo. The Permanent Representatives of all these countries are expected to be participating in the mission.

A preliminary briefing on the mission by the Permanent Representatives leading the different stages is likely in late May, and a report, and possibly a debate, could happen at a later stage.

### Key Recent developments

#### *Liberia*

Liberia held largely peaceful, free and fair presidential and legislative elections in October 2011, and a run-off presidential election on 16 January. President Ellen Johnson-Sirleaf was re-elected to a second term. This was a significant milestone, but problems challenging the fragile country remain, as the assessment mission report details (please see the report on Liberia in this issue). Council members will most likely be meeting with Johnson-Sirleaf and cabinet members, opposition party leaders, resident ambassadors in Monrovia, UNMIL, and Liberian civil society and international NGO

representatives. The Council last visited Liberia in May 2009.

#### *Sierra Leone*

Sierra Leone became a contentious issue in the Council in March, after Michael von der Schulenburg, the Secretary-General's Executive Representative for UNIPSIL, was abruptly withdrawn on 6 February, following a request by the Sierra Leone government. On 22 March, Schulenburg briefed the Council on a number of disquieting recent developments in the country, including allegations relating to the mobilisation of ex-combatants from the country's recent civil war, and a multi-million dollar purchase of combat weapons for the paramilitary wing of the police, which is already implicated in violent attacks against opposition supporters. The forthcoming elections, he said, will be "the crucial test" for Sierra Leone's fragile peace and nascent democracy.

Council members will likely hold discussions with President Ernest Bai Koroma and his government, the leaders of the opposition political parties, resident diplomats and civil society leaders.

The Council last visited Sierra Leone in June 2004.

#### *Côte d'Ivoire*

A Secretary-General's report submitted to the Council on 29 March noted that though the country has made significant progress in peace consolidation and in extending the writ of the state to all parts of the country, problems remain. A Panel of Experts report from 11 April noted violation of the sanctions regime on the country, including on arms and diamonds, and that ex-combatants from the country's recent war remain largely un-pacified. A large number of the mercenaries, many Liberian, who fought in Côte d'Ivoire remain at large, and are possibly on the Liberian side of the border and can be easily mobilised. Meetings with President Alassane Ouattara, UNOCI, and other important stakeholders in Côte d'Ivoire, are expected.

The Council last visited Côte d'Ivoire in 2008.

## Liberia

### Expected Council Action

The Council is planning to visit to Liberia late in May, as part of a trip to three West African states.

The special report of the Secretary-General on the UN Mission in Liberia (UNMIL), which was submitted in April under the terms of resolution 2025, was initially expected to be discussed in May, but its discussion is now likely to be postponed till after the trip. A midterm report of the Panel of Experts monitoring the implementation of the Liberia sanctions regime renewed by the Council on 14 December 2011 is due by end of May.

UNMIL's mandate expires on 30 September.

### Key Recent Developments

On 26 April, the Special Court for Sierra Leone sitting in The Hague found Charles Taylor, Liberia's former President, guilty of aiding and abetting war crimes and crimes against humanity for his support of Sierra Leone's Revolutionary United Front rebels in the 1990s. Taylor, who was forced to resign as President in 2003 shortly before UNMIL was established, has been in detention since 2006.

On 20 February, a UN assessment mission, led by the Department of Peacekeeping Operations, arrived in Liberia and stayed until 2 March. The mission collected views and data on the political and security situation from Liberian government officials, UN officials on the ground, political party leaders, civil society groups, members of the donor and diplomatic communities, NGOs, and officers of the national police, army and other security agencies. The Secretary-General's report (S/2012/230) submitted to the Council on 16 April, extensively details the mission's findings.

In September 2011, Liberia became somewhat contentious as a Council agenda item after EU members—France, Germany, Portugal and the UK—raised issues relating to financing and competing demands for peacekeeping resources, citing UNMIL's extended stay in Liberia (the mission was established in 2003).

As a result, there were unexpectedly prolonged Council discussions before the adoption of a resolution renewing UNMIL's mandate. The EU members insisted that an assessment mission should be deployed to the country to conduct a thorough midterm review.

The 16 April report is unlikely to assuage their anxieties. Noting that the peace in Liberia is fragile and the significant economic and political gains made so far are "vulnerable to disruption", the report singled out the "enormous risk" posed by "the large population of unskilled, unemployed, war-affected youths, many of whom are former combatants, lacking livelihood opportunities." There is also the problem of land disputes, "which remain a serious conflict trigger, exacerbated in many instances by long-standing divides between ethnic groups or communities."

The problem is that Liberia's security agencies are incapable of maintaining stability without the support of UNMIL, the report states. The report noted that the 4,200-strong national police force probably needs to be expanded to 8,000, but improving the very poor conditions of service for the force is even more urgent. However, according to the report, this seems unlikely to happen soon since Liberia's security budget is "facing a short-fall of \$86 million over the next three years" at the current national budget allocation. An increase in the allocation of only one percent, the report notes, will bring the deficit down to \$25 million. (The country's economy has been growing by more than 7 percent since 2006, and the national budget has risen from \$84 million in 2005 to \$516 million in 2011-2012.)

Key legislation that bears on state and human security remains pending, the report said, including proposed laws on gun control, drug control, prison reform and rules governing police conduct. The security sector, the report also said, is being rebuilt or built from scratch without proper "governance structures" despite the fact that the national security strategy emphasised the need for accountable and democratic security architecture.

According to the report, concerns remain about the "disproportionate use of force against civilians in responding to public disorder", as happened a day before the run-off presidential elections held on 8 November 2011.

The report deals with the Liberian Armed Forces in only one paragraph, noting that the army "does not have appropriate training and equipment", even for the limited role of border monitoring. The total strength of the army at the time of the assessment mission was 1,982, with an attrition rate of 10 percent and an ill-discipline as a major concern. The army's development, the report notes, "is constrained by limited opportunities and resources to conduct practice operations as needed."

On the political front, though, the report noted that a key benchmark for the transition of UNMIL—successful nationwide elections in 2011—was achieved. On 16 January, President Ellen Johnson-Sirleaf was re-elected to a second term in largely peaceful, free and fair elections, was inaugurated. National reconciliation, however, remains an issue, and the national judicial systems remain inadequate, burdened by "systemic challenges such as an outdated legal framework and the absence of accountability mechanisms." Moreover, the writ of the state does not extend to all areas of the country, and there "remains a sense of mistrust between the population and officials, whose capacity is limited, despite efforts to enhance good governance."

In view of the foregoing, the report recommends a very careful adjustment of UNMIL's security presence over the next three years. UNMIL's total troop strength at present is 7,952; the report recommends the repatriation of 4,200 troops in three phases between August 2012 and July 2015, leaving the mission's military strength at approximately 3,750 troops for the foreseeable future. The report recommends that UNMIL's police component adds three formed police units over the next three years to its current strength of 498 advisers and 845 officers in seven



formed units. Endorsing the recommendation of a UN assessment mission that considered the UN Operation in Côte d'Ivoire (UNOCI), the report noted that military equipment that UNMIL no longer required for operations in Liberia, including an aviation unit of three armed helicopters, should be transferred to UNOCI.

Significantly, the assessment report on UNOCI, submitted to Council members on 29 March, expressed unease about the whereabouts of thousands of Liberian mercenaries who served in Côte d'Ivoire and about weapons caches that are believed to be in the border areas between Côte d'Ivoire and Liberia. It noted that despite the "political will expressed at the highest levels in Côte d'Ivoire and Liberia, so far no national strategy has been developed in either country to address, in a more comprehensive manner, border security and the issue of Ivorian and Liberian former combatants."

Some of these concerns had been expressed in the 30 November 2011 Panel of Experts report (S/2011/757), which was discussed by the Council on 9 December. A substantial part of that report dealt with the impact of the return of an estimated 4,500 Liberian mercenaries who had been hired and deployed by former Ivorian President Laurent Gbagbo, noting that many of these are now engaged in illicit gold mining and can be easily mobilised.

### Key Issues

The key issue for the Council is to assist Liberia in achieving steady security, with its national institutions able to maintain order and stability independently of UNMIL.

A related issue is to ensure an eventual smooth transition of UNMIL from a large peacekeeping mission to a possible successor presence, probably a small political office similar to the UN Integrated Peacebuilding Office in Sierra Leone.

## Council Dynamics

While there are concerns among some Council members about the slow pace of UNMIL's transition, Council members seem to agree that a successful and properly-timed transition is key to long-term national and regional stability. Council members are keenly aware of the salience of the issues relating to the mission in Liberia for regional peace and security, in particular the illicit movement of arms across the border between Liberia and Côte d'Ivoire. The upcoming trip to West Africa will likely help members to formulate more comprehensive positions.

The US is leading on Liberia in the Council.

## UN Documents

### Security Council Resolutions

- S/RES/2025 (14 December 2011) renewed the sanctions regime and the mandate of the Panel of Experts monitoring the sanctions.
- S/RES/2008 (16 September 2011) extended the mandate of UNMIL until 30 September 2012.
- S/RES/1961 (17 December 2010) renewed for 12 months an arms embargo on Liberia, assets freezes and travel bans on selected individuals.
- S/RES/1521 (22 December 2003) established the Panel of Experts as part of a sanctions regime.

### Secretary-General's Reports

- S/2012/230 (16 April 2012) was a special report of the Secretary-General on UNMIL.
- S/2012/186 (29 March 2012) was a special report by the Secretary-General on UNOCI.
- S/2011/497 (5 August 2011) was on developments in Liberia since 14 February.

### Other

- S/PV.6619 (16 September 2011) was the transcript of the Council's discussions on UNMIL.

## Other Relevant Facts

### UNMIL Special Representative of the Secretary-General

Vacant

### UNMIL Force Commander

*Maj. Gen. Muhammad Khalid (Pakistan)*

### Chairman of the Sanctions Committee

Abdullah Hussain Haroon (Pakistan)

### Panel of Experts on Liberia

Christian Dietrich (US), finance and coordinator; Caspar Fithen (UK), natural resources; and Katrine Kristensen (Denmark), arms

## Libya

### Expected Council Action

In May, the Council is expected to be briefed by Ian Martin, the Special Representative of the Secretary-General and head of the UN Support Mission in Libya (UNSMIL) on the latest developments in Libya.

The Council is also likely to receive a briefing from Luis Moreno-Ocampo, the ICC Prosecutor, as requested in resolution 1970.

UNSMIL's mandate expires on 16 March 2013.

### Key Recent Developments

On 29 February, Martin briefed the Council via video-conference from Tripoli. He said that, according to Prime Minister Abdurrahim El-Keib, the most critical challenges facing Libya were border security, weapons proliferation, security, and human rights violations, with the most pressing being the need to strengthen the security and defence forces. During the same briefing, the chair of the 1970 Libya Sanctions Committee, Ambassador José Filipe Moraes Cabral (Portugal), presented the final report of the Panel of Experts (S/2012/163) as requested in resolution 1973, and a working document of the Panel of Experts to serve as the basis for the Committee's report pursuant to resolution 2017. Ambassador Abdurrahman Mohamed Shalgham (Libya), who also spoke, requested the release of the remainder of Libya's frozen assets.

On 7 March, Martin presented the Secretary-General's latest report to the Council (S/2012/129), recommending that UNSMIL focus on five areas: democratic transition, including the electoral process; public security, including demobilisation and integration or reintegration of ex-combatants; human rights, transitional justice and rule of law; proliferation of arms and border security; and coordination of international support. He also called for the extension of UNSMIL's mandate for 12 months. El-Keib also participated in the meeting and asked the Council to lift the arms embargo against Libya.

On 12 March, the Council unanimously adopted resolution 2040, modifying and extending UNSMIL's mandate by 12 months, with a clause to review and adjust the mandate within six months. The mandate of the Panel of Experts was also adjusted and extended for another year. Libya reiterated the requests for lifting of sanctions and the arms embargo during the same session.

Sporadic fighting has continued. On 27 February, more than 100 people were reported dead and several wounded in the ongoing clashes between the Zwai and Tabu tribes in the southeastern town of Al-Kufra.

Approximately 150 people were reported killed and many wounded, in the area of Sabha, during clashes between members of the Tabu tribe and the Sabha militias, beginning on 26 March and lasting for a week.

On 4 April, UNSMIL voiced its concern, in a press release, at the ongoing clashes between fighters from al-Jumail and the Zuwara militia that reportedly led to 18 killed and many injured.

An UNSMIL convoy carrying Martin in Benghazi was attacked, on 10 April, with a homemade explosive device. No one was hurt.

Post-conflict Libya continues to face varied challenges. On 6 March, more than 3,000 people attended a meeting in Benghazi and declared autonomy for eastern Libya (Cyrenaica). (Libya, post-independence in 1951, was split in three federal regions —

Cyrenaica, Tripolitania and Fezzan—until it became a unitary state in 1963. Cyrenaica contains an estimated two-thirds of the oil reserves.) The attendees elected Ahmed Zubair al-Senussi, a member of the National Transitional Council (NTC), as the leader of the newly declared region. On 16 March, one person was reported dead and five wounded when violence erupted at a rally between proponents and opponents of federalism in Benghazi.

Mohammed al-Harizi, spokesman for the NTC, said on 10 April that the payment of rewards to rebels had been stopped due to violations. (The NTC had been handing out cash payments of approximately \$3,250 to rebels to encourage them to join the official institutions and hand in their weapons.) On the same day, armed groups fired their weapons at the NTC headquarters in Tripoli as a sign of protest.

On 11 April, Nuri al-Abbar, a spokesman of Libya's electoral committee, warned that legislation on forming political parties must be adopted soon if June elections were to be held on time.

On 17 April, al-Harizi told media that the NTC was reviewing the performance of some government ministers and hinted at the possibility that there might be a reshuffle soon.

The report of the International Commission of Inquiry on Libya, published on the website of the Human Rights Council (HRC) on 2 March, stated that both pro and anti-Qaddafi forces had committed war crimes in Libya. The report noted concern at the failure to hold these individuals accountable and that some were still committing serious violations. The document concluded that NATO had "conducted a highly precise campaign" but recommended further investigation in instances where civilian casualties and strikes on non-military targets were reported. On 5 March, NATO Secretary-General, Anders Fogh Rasmussen, said that no statement could be made about civilian casualties as "it was unable to verify the figures."

On 16 March, Abdullah al-Senussi, former intelligence chief and the late Col. Muammar Qaddafi's brother-in-law, was arrested

in Mauritania upon arrival on a flight from Morocco. Soon thereafter, his extradition was separately requested by Libya, France and the International Criminal Court (ICC).

Xavier-Jean Keita, the chief defence counsel of the ICC, on 12 April, called on the ICC to make a formal complaint to the Council over Libya's refusal to hand over Saif al-Islam Qaddafi. On 19 April, El-Keib told reporters after a meeting with the ICC prosecutor that Saif Qaddafi was being treated according to human rights guidelines.

Lawyers for Abdul Hakim Belhaj, head of the Tripoli Military Council, and Sami al-Saadi, a Libyan dissident, were reported to have served legal papers on Jack Straw, a former UK Foreign Secretary, on 18 April. (Legal action has already been taken in the UK High Court to sue the UK government, its security forces and Sir Mark Allen, a retired senior intelligence officer, for complicity in torture, misfeasance in public office and negligence. They stand accused of direct involvement in the unlawful rendition of Belhaj and al-Saadi to Qaddafi's security services in 2004.)

In another significant development, the Zintan militia handed over control of Tripoli's international airport to the Libyan authorities on 20 April. (Zintan militia had been in control of the airport since the fall of Tripoli on 22 August 2011.)

### Human Rights-Related Developments

During its March session, the HRC adopted without a vote a resolution on assistance for Libya in the human rights field. The HRC welcomed the Constitutional Charter for the Transitional Stage in Libya of 3 August 2011 in which the promotion and protection of human rights were core elements. It also encouraged the transitional government to investigate human rights violations, while recognising limited availability of resources. The Office of the High Commissioner for Human Rights was asked, in collaboration with the transitional government and upon its request, to explore ways of cooperating on human rights matters, including technical assistance and capacity-building, and to report to the HRC at its March 2013 session.



### Key Issues

Dealing with Libya's assets freeze and the arms embargo in an efficient manner is a key issue for the Council.

Ensuring that the forthcoming elections are held in an acceptable and timely manner is another key issue for the Council.

An overarching issue for the Council continues to be the determination of UNSMIL's long-term role in Libya.

Preventing large-scale reprisals and killings in a post-conflict Libya as well as preventing human rights violations and reported torture of detainees are closely related issues for the Council.

The prevention of proliferation of heavy weaponry in Libya as well as the spillover effect in the Sahel region remains an issue for Council members.

The Council's role in the implementation of resolution 1970 with regard to its referral of the Libyan situation to the ICC, and any referral-related trials, is another important issue.

The continued coordination of efforts of various stakeholders and other international bodies in supporting the interim government is a long-term issue.

### Underlying Issues

The divisions within the NTC, as well as questions about the competence of the interim government, have become a growing concern.

A growing problem is instances of settling old disputes between pro and anti-Qaddafi forces, often accompanied by human rights violations.

### Options

On matters concerning existing sanctions against Libya, the Council could ask for a briefing from the Libya Sanctions Committee and, if it deems necessary, lift its sanctions in a new resolution.

Another option for the Council could be to ask for regular briefings from UNSMIL on the practical applications of human rights, rule of law and transitional justice in Libya and any other developments in this regard.

With regard to the ICC, the Council could recall, in a statement, obligations that Libya and other states have to the ICC under resolution 1970, following the briefing from the ICC prosecutor.

### Council Dynamics

Civilian casualties as a result of NATO's air operations over Libya has become a recurring issue. Russia, in particular, has called for a joint UN-NATO inquiry as it believes that the Council is obliged to investigate this matter given that resolution 1973 had authorised member states "to take all necessary measures" to protect civilians.

Other Council members deem it necessary to look beyond the scope of resolutions 1970 and 1973, and NATO-caused casualties. Mindful that the situation in Libya remains fragile, they feel that the Council needs to focus on issues such as the role of the ICC in Libya, ongoing challenges to the NTC's authority, talks of potential reshuffle in the Libyan interim government and the progress regarding forthcoming elections.

South Africa, Russia and China are insistent that the Council should acknowledge the adverse effects of the situation in Libya on the Sahel region, in particular as the key trigger of the recent instability in Mali. However, other Council members, notably France, the UK, and the US are against drawing the connection, insisting instead that the issue is now about finding a solution to the problems.

Council members are also aware of the considerable challenges that Libyan authorities face. Nevertheless, some members feel that the NTC must do more to extend its authority over armed militias as well as prevent widespread human rights violations of prisoners and internally displaced persons.

The UK is the lead country on Libya.

### UN Documents

#### Security Council Resolutions

- S/RES/2040 (12 March 2012) extended the mandate of UNSMIL and the Panel of Experts by 12 months, with a requirement to review and adjust the mandate within six months.
- S/RES/2022 (2 December 2011) extended the mandate of UNSMIL until 16 March 2012 and asked UNSMIL to assist the Libyan authorities in addressing the threat of proliferation of arms, in particular MANPADS.
- S/RES/2009 (16 September 2011) authorised the deployment of UNSMIL and partially lifted sanctions.
- 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.

#### Latest Secretary-General's Report

- S/2012/129 (1 March 2012)

#### Latest Panel of Experts Report

- S/2012/163 (20 March 2012)

#### Letters

- S/2012/240 (18 April 2012) was from the Secretary-General to the president of the Council noting the appointment of the Panel of Experts pursuant to resolution 2040.
- S/2012/139 (7 March 2012) transmitted from the Secretary-General El-Keib's letter to the president of the Council.

### Other Relevant Facts

#### Chair of the Sanctions Committee

José Filipe Moraes Cabral (Portugal)

#### Sanctions Committee's Panel of Experts

Simon Dilloway, UK (finance)

Theodore M. Murphy, US (humanitarian and regional)

Giovanna Perri, Italy (finance)

Salim Raad, Lebanon (heavy weapons)

Savannah de Tessières, France (small arms and light weapons)

#### Special Representative of the Secretary-General and Head of UNSMIL

Ian Martin (UK)

## Bosnia and Herzegovina

### Expected Council Action

The Council is due to hold a six-monthly debate on Bosnia and Herzegovina in May. Valentin Inzko, the High Representative for Bosnia and Herzegovina, is expected to brief the Council on his latest report (covering the period from 16 October 2011 to 15 April), including on the implementation of the 1995 General Framework Agreement for Peace, more commonly known as the "Dayton Agreement".

No Council action is expected on Bosnia and Herzegovina in May.

### Key Recent Developments

After 16 months without a government following a general election in October 2010, Bosnia and Herzegovina's parliament approved a new cabinet on 10 February. This followed an agreement reached in December 2011 between Bosniak (Muslim), Croat and Serb political leaders. Under the deal, which provided for the formation of a central government, the Prime Minister is Bosnian Croat (Vjekoslav Bevanda) and the Foreign Minister is Bosniak (Zlatko Lagumdžija). (The presidency of the country—which comprises the Federation of Bosnia and Herzegovina and Republika Srpska—consists of three members, one elected from each of the three ethnic groups. Between them, they serve a once-renewable four-year term and rotate the chairmanship every eight months.)

Following the confirmation of the government, Bevanda announced that “this year will be the year of the European Union in Bosnia,” reinforcing the country’s determination to focus on fulfilling the conditions required for EU candidate status. In response, Catherine Ashton, the EU’s High Representative for Foreign Affairs, and Štefan Füle, Commissioner for Enlargement, said in a joint statement on 10 February that they encouraged Bosnia and Herzegovina to “concentrate on the pressing European integration agenda and take the necessary action to ensure concrete steps forward.”

On 18 April, the country’s central government adopted a long-awaited budget for 2012. The \$638 million budget made several cuts to public expenditure, including 4.5 percent salary reductions for public sector workers. The budget included money to pay the pensions of former soldiers who had never been paid, as stipulated in a 2010 law. It also provided funds for a census in 2013, organising local elections later in 2012 and for establishing an EU-standard border crossing with Croatia, which joins the bloc in 2013. Referring to Bosnia and Herzegovina aim to forge closer ties with NATO and the EU, Finance Minister Nikola Špirić (a Bosnian Serb) said that the budget was “restrictive, but sufficient to finance all institutions important for the Euro-Atlantic path.”

Late in 2011, the parliament took steps to allow members of minority groups to run for the country’s presidency and the upper house of parliament by ordering a commission to propose amendments to the country’s constitution. (The current constitution and electoral law state that only “Constituent Peoples”—ethnic Serbs, Croats and Bosniaks—are eligible to run for high office.) In December 2009, the European Court of Human Rights in the *Sejdić and Finci v. BiH* case ruled that the country’s constitution violated the rights of Bosnian Jews and Bosnian Roma in preventing them from running for top positions. Bosnia and Herzegovina is obliged to abide by the court’s ruling. Such constitutional reform is also a requirement for the country to attain EU candidacy status.

Another priority for the new government is taking steps towards NATO membership. (In April 2010, NATO agreed to conditionally launch the Membership Action Plan [MAP] for Bosnia and Herzegovina. The condition relates to state registration of defence properties.) Ahead of the 2012 NATO summit in Chicago from 20 to 21 May, Turkey’s Foreign Minister Ahmet Davutoğlu announced that his country had begun an initiative with Bulgaria on 18 April to have Bosnia and Herzegovina included in the NATO MAP. Bosnia and Herzegovina is expected to attend the summit in Chicago at high levels.

### Key Issues

A key issue for the Council is ensuring political stability in Bosnia and Herzegovina following the formation of its new government. Ensuring that political and ethnic divisions do not increase tensions to the point where the country is threatened with outbreaks of conflict is also a priority.

Another issue is the lack of progress in fully implementing the so-called “5+2 agenda,” which sets out five objectives that need to be met and two conditions that need to be fulfilled by Bosnia and Herzegovina authorities before the Office of the High Representative (OHR) is closed.

A related issue is the future of the OHR itself: whether it is still necessary and whether it should be moved from Sarajevo to a different location, such as Brussels.

### Options

One option for the Council would be to recognise the progress made by Bosnia and Herzegovina recently in forming a central government and urge its political factions to focus on the country’s economic and development priorities.

The Council could also highlight the need for the country’s politicians not to engage in divisive or inflammatory rhetoric, which might threaten the viability of the state and compromise its progress towards European integration.

A further option would be for the Council to take no action (as in May 2011) and return to the issue ahead of EUFOR (EU-led



stabilisation force) mandate expiration on 16 November.

### Council Dynamics

For many non-European Council members, Bosnia and Herzegovina is a low-priority issue, and there is a prevailing view that it has been largely “out-sourced” to the EU, rendering the Council’s role at this time limited. However, the situation in the country remains a key concern for Russia and the US, who—along with the four European members—probably follow developments in Bosnia and Herzegovina most closely.

One area where there are divergent views in the Council is the approach towards the OHR’s continued presence in the country. Russia considers that the office has already played its role and should be closed once the outstanding objectives and conditions have been met. (Moscow is closely aligned with Serbia and Republika Srpska on this point and says that responsibility for a settlement at this stage should be transferred to Bosnians themselves.) Other members, notably the US and the UK, have emphasised that limited progress has been made and that there is still work to be done in fulfilling the 5+2 agenda. Germany’s attention is similarly focused on meeting the conditions whereby the timely drawdown of the OHR can be managed. France emphasises the EU’s role in the country and is inclined to see the OHR closed sooner rather than later and for Bosnian politicians to take greater political responsibility. Others, such as Colombia, have affirmed that the OHR needs to continue to implement the peace agreement, including completion of the special status of Brčko. Russia considers that all substantive issues relating to the district, whose status was left undecided by the Dayton Agreement, have been resolved.

The lead in the Council is the monthly rotating chair of the Contact and Drafting Group.

## UN Documents

### Security Council Resolutions

- S/RES/2019 (16 November 2011) reauthorised EUFOR until 16 November 2012.
- S/RES/1575 (22 November 2004) established EUFOR.

### Latest Meeting Record

- S/PV.6659 (15 November 2011)

### Selected Letter

- S/2011/682 (3 November 2011) was from the Secretary-General transmitting the High Representative's report covering the period from 21 April to 15 October 2011.

## Kosovo

### Expected Council Action

In May, the Council is scheduled to hold a quarterly debate on the UN Mission in Kosovo (UNMIK). Farid Zarif, the Special Representative and head of UNMIK, is expected to brief the Council on developments and the latest Secretary-General's report, which was due on 27 April.

No Council action is expected.

### Key Recent Developments

Following months of negotiations, Kosovo and Serbia reached an agreement on 24 February in Brussels enabling Kosovo to be represented in regional meetings. The compromise means Serbia can attend gatherings alongside Kosovo, while still not recognising its independence, and allows Kosovo to sit behind its own nameplate, which will be followed by an asterisk. (This will indicate a footnote that will refer to both resolution 1244 [1999], which does not mention the independence of Kosovo, and the International Court of Justice's advisory opinion in 2010, which stated that Kosovo's declaration of independence did not violate international law.)

The two sides also reached an agreement on 24 February concerning the implementation of the Integrated Border Management deal concluded in December 2011 to manage their border.

Both agreements were widely welcomed. Catherine Ashton, the EU's High Representative for Foreign Affairs, and Štefan Füle, Commissioner for Enlargement, described them as "a major step forward" and a demonstration of a "commitment on both sides to their common European future." The deals meant that Serbia considered that it had met the remaining criteria to achieve EU candidacy status. A few days later, on 28 February, EU Foreign Ministers recommended that Serbia be given candidate status and leaders confirmed this at a summit in Brussels on 1 March. (Kosovo's own EU candidacy aspirations are complicated by the fact that five EU members—Cyprus, Greece, Romania, Slovakia and Spain—do not recognise Kosovo's independence.)

In mid-February, leaders from four predominantly Serb municipalities in northern Kosovo proceeded with a referendum on whether to acknowledge the government institutions in Pristina. The referendum went ahead despite Belgrade's statements that it would not recognise the outcome and Serbian President Boris Tadić's warnings that it would not be in the interests of Serbia or Serbs in Kosovo.

On 9 April, Zarif strongly condemned a bomb attack that took place on 8 April in Mitrovica, the main city in predominantly Serb northern Kosovo. The explosion, which Pristina condemned as a "criminal and terrorist act", killed a Kosovar Albanian man and injured his children.

Ahead of parliamentary and local elections in Serbia on 6 May, Germany announced on 21 April that it would send 550 additional troops to Kosovo to boost the NATO-led force (KFOR). An extra 150 Austrian troops are also to be deployed before 1 May, joining the 5,500 soldiers already based there. In a statement, Germany said that NATO and the EU considered that current KFOR numbers "might not be sufficient to appropriately react to possible Kosovo-wide security incidents in connection with the elections." The announcement comes amidst rising tensions in Kosovo regarding the conduct of elections on 6 May. (On 4 April, Tadić announced that he would resign, paving

the way for an early presidential election to take place on 6 May in Serbia as well.)

In a letter dated 21 March addressed to Zarif, Serbia's Minister for Kosovo, Goran Bogdanović, formally requested that UNMIK organise local elections in Kosovo. In his reply, Zarif said that "due to circumstances on the ground" UNMIK would not play a role in organising such elections. Furthermore, Zarif underlined that if Serbia were to proceed with organising municipal elections in Kosovo, it would constitute a violation of resolution 1244. Serbia's government later announced that it would not support local elections in Kosovo. However, Bogdanović on 23 April reiterated that Serbia would do what it could to ensure that presidential and parliamentary elections would be held in what it calls "Kosovo-Metohija".

On 12 April, an official from the Organization for Security and Co-operation in Europe (OSCE) said that ongoing dialogue between the international community and Belgrade would hopefully yield an agreement on the elections. The OSCE said it could assist Serbs living in Kosovo to vote in the presidential and parliamentary elections. Pristina is not against Serbia's citizens in Kosovo voting in such elections if managed by the OSCE and not by Belgrade. However, Serb leaders in northern Kosovo said that, despite Belgrade's calls, they had a constitutional obligation to hold local elections. At press time, it was unclear to what extent Belgrade might seek to play a role in elections in Kosovo on 6 May, but there were concerns of renewed violence if a deal acceptable to all sides with the OSCE was not reached.

### Key Issues

A key issue for the Council is ensuring that tensions do not escalate in Kosovo. In particular, a primary concern is that developments in Kosovo related to Serbia's elections do not result in ethnic clashes or precipitate a cycle of violence.

Another related issue for the Council is the role of the various international organisations working alongside UNMIK in Kosovo, including KFOR and the EU Rule of Law Mission in Kosovo (EULEX).

An ongoing issue is alleged illicit trafficking of human organs in Kosovo.

## Options

One option for the Council if the security situation deteriorates would be to issue a press statement or adopt a presidential statement urging calm and restraint in Kosovo.

Another option, which the Council has taken in the past, would be to receive the briefing and the likely contributions from the Foreign Ministers of Serbia and Kosovo but take no action.

One option that should not be overlooked is action on the draft resolution circulated by Russia in December 2011 concerning illicit trafficking in human organs in Kosovo. (The draft resolution calls for the Council to take a role in overseeing the investigations and to appoint a Special Representative to monitor the matter.)

## Council Dynamics

There are clear divisions on the Council that emanate from the different positions among the P5 on Kosovo's status. China and particularly Russia, which do not recognise Kosovo's independence, emphasise the centrality of resolution 1244 as the legal basis for an acceptable solution. France, the UK, and the US—along with Germany and Portugal—accentuate the importance of EULEX's and KFOR's roles on the ground, in accordance with their rightful mandates. Russia, on the other hand, says it has doubts about their neutrality.

On the issue of organ trafficking, there is a split along similar lines as to how the serious allegations should be investigated. Several Council members support the work begun by the Special Investigative Task Force, established by EULEX. On the other hand, Russia has advocated that control of the investigation be transferred to the Council, saying that there are perceptions of bias. (The P3 say that the impartiality of former US Ambassador Clint Williamson—head of the Task Force—is “unquestionable.”) The argument that Council oversight of the issue would ensure an objective and transparent

outcome seems to have gained traction with some non-EU elected members. But it appears that Russia might struggle at present to summon the nine votes necessary to force a veto on the matter.

In general, the P3 seem in favour of dealing with Kosovo-related issues outside of the Council, given the ongoing difficulties of reaching unanimity among permanent members on the issue.

### UN Documents

#### Security Council Resolution

- S/RES/1244 (10 June 1999) authorised NATO to secure and enforce the withdrawal of Yugoslav forces from Kosovo and established UNMIK.

#### Latest Secretary-General's Report

- S/2012/72 (31 January 2012) covered the period from 16 October 2011 to 15 January 2012.

#### Latest Council Meeting Record

- S/PV.6713 (8 February 2012)

## DPRK (North Korea)

### Expected Council Action

The chair of the Democratic People's Republic of Korea (DPRK) Sanctions Committee (1718 Committee), Ambassador José Filipe Moraes Cabral (Portugal), is expected to provide the Council with a regular quarterly briefing in informal consultations in May.

Following the Council's 16 April presidential statement condemning the DPRK's satellite launch on 12 April (S/PRST/2012/13), the Committee has been directed to designate additional entities (corporations) and items subject to the sanctions regime pursuant to resolution 1718. The Committee was requested to report back to the Council within fifteen days (by 1 May).

By mid-May, the Panel of Experts is due to submit its final report to the Committee with its findings and recommendations. (After discussion with the Committee, the panel is to submit its final report to the Council.) The current mandate of the panel expires on 12 June.



## Key Recent Developments

On 12 April, the DPRK attempted to launch an “earth observation” satellite into orbit using a long-range rocket. The DPRK announced the launch on 16 March. In response, several Council members indicated that such a launch would violate Council resolutions 1718 (2006) and 1874 (2009). (These resolutions demanded, inter alia, that the DPRK not conduct any launch using ballistic missile technology.) The US described the plans as “highly provocative” and considered the launch a cover for developing ballistic missiles capable of carrying a nuclear warhead. In contrast to its previous rocket launches, the DPRK invited foreign observers, including from the International Atomic Energy Agency (IAEA), and media representatives to witness preparations.

The day after the launch, 13 April, the DPRK's official KCNA news agency announced in a terse press release that the satellite had “failed to enter its preset orbit.” (According to international media reports, the rocket broke up over the Yellow Sea within two minutes of take-off, and the debris appears to have fallen into the water.)

Following the failed launch, Council members met in consultations on 13 April, during which they were briefed by Assistant Secretary-General for Political Affairs Oscar Fernández-Taranco. Ambassador Susan Rice (US), in her capacity as Council President, delivered remarks to the press following the consultations, stating that the Council deplored the launch and considered it a violation of Council resolutions. On the same day, the Secretary-General stated that the launch defied “the firm and unanimous stance of the international community” and threatened regional security.

The Council met again on 16 April following informal discussions among its members, including between the US and China.

The resulting presidential statement (S/PRST/2012/13) strongly condemned the satellite launch and underscored that, however it was categorised, the DPRK's use of ballistic missile technology was a serious violation of Council resolutions 1718 and 1874. The Council demanded that the DPRK not proceed with further launches and re-establish pre-existing commitments to a moratorium on missile launches. It also expressed its "determination to take action" in the event of a further DPRK launch or nuclear test.

Paragraph 5 of the statement directed the 1718 Committee to:

- designate additional entities and items;
- update the list of entities, items and individuals subject to sanctions (and update it annually thereafter); and
- update the Committee's annual work plan.

In order to undertake these tasks, the Committee met on 18 April to discuss proposals that some members had for additional designations. The US proposed more than a dozen entities and items. While not on the Council, both Japan and the Republic of Korea (ROK) have also submitted proposals.

The DPRK's announcement of its intended rocket launch followed only two weeks after the so-called "Leap Day" agreement, reached between Washington and Pyongyang on 29 February. (The third round of "exploratory talks" was held in Beijing on 23-24 February.) The deal stipulated that the DPRK would suspend long-range missile launches, nuclear tests and activities at its major nuclear facility at Yongbyon, including uranium enrichment. The DPRK also agreed to allow the return of IAEA inspectors to monitor the moratorium of enrichment activities at Yongbyon. In return, the US agreed to finalise the delivery of 240,000 tonnes of food to the DPRK, aimed specifically at benefiting those suffering from chronic malnutrition. US Secretary of State Hillary Clinton welcomed the agreement as a "first step" while the DPRK stated that it was in both sides' "mutual interest to ensure peace and stability on the Korean Peninsula."

However, in response to the DPRK's announcement that it would proceed with its launch, the US confirmed on 28 March that it would put plans to provide food aid to the DPRK on hold, citing a violation of the "Leap Day" agreement. (No food had yet been delivered.) Pyongyang countered by saying that the US decision was an "overreaction", reiterating that its "scientific and technological satellite" was for peaceful purposes and criticising the US and other "hostile forces" for calling it a missile launch. Faced with international condemnation following the launch, the DPRK announced that it was no longer bound by the "Leap Day" agreement. This led to increasing concerns that the country might soon carry out a third nuclear test, possibly using highly enriched uranium for the first time.

On 19 April, the DPRK addressed a letter (S/2012/239) to the Council denouncing the "brigandish essence" and "unreasonable double standards" of the resolutions on the DPRK and criticising the "dastardly tricks" of the US.

On 19 April, the ROK's defence ministry announced that it had added a cruise missile to its arsenal that had "the capability to hit any facility or personnel in all areas of DPRK." The announcement, which was said to be in response to the DPRK's recent "missile threat and military provocation," was the first time that the ROK had publicly confirmed the deployment of the missile.

In other developments, the DPRK held its Fourth Conference of the Workers' Party of Korea on 11 April. The conference elected the "dear respected" Kim Jong-un as the party's "first secretary" (supreme leader). He also assumed the office of the Chairman of the Central Military Commission, previously held by his late father Kim Jong-il. The appointments were seen as solidifying Kim Jong-un's leadership position and came amidst national celebrations commemorating the birth of Kim's grandfather, Kim Il-sung.

During a major military parade on 15 April, the DPRK appeared to showcase what analysts presumed to be a new long-range

ballistic missile. The sophisticated transportable launcher carrying the missile was of interest to experts as it appeared similar to Chinese designs, raising questions as to whether the technology was provided in violation of UN sanctions. However, the launcher could also have been supplied by China (or a third country) for civilian purposes, such as construction. China said on 19 April that it abides by relevant Council resolutions and "practices strict control" of relevant exports. The US said that it took Beijing at its word on the matter.

### Human Rights-Related Developments

In a resolution at its March session, the Human Rights Council (HRC) expressed very serious concern at the ongoing grave, widespread and systematic human rights violations in the DPRK. The resolution urged the government to ensure rapid and unimpeded access for humanitarian assistance. Although no HRC member called for a vote on the resolution, the Media Centre of the Office of the UN High Commissioner for Human Rights reported that neither China nor Russia participated in the decision. China explained, the Media Centre reported, that it was always in favour of appropriately resolving differences in human rights through dialogue and cooperation and was opposed to using resolutions for exerting pressure on certain countries. Russia regarded the draft resolution as undermining international cooperation and as failing to promote the constructive development of human rights. China and Russia thus dissociated themselves from the consensus on the resolution.

### Key Issues

The key issue for the Council remains ensuring peace and stability on the Korean Peninsula. To that end, the Council is concerned with preventing a further escalation of tensions due to the launch.

A fundamental issue for the Council is Pyongyang's violation of Council resolutions demanding that it not conduct launches using ballistic missile technology.

A related issue is how best to prevent future violations, including the possible detonation of a third nuclear test device, given that in 2006 and 2009 the DPRK responded to criticism of its launches with further provocative (nuclear) action.

A related issue for the Council is having the involved states return to the negotiating table where steps can be taken towards the ultimate resumption of the Six-Party Talks. (These talks, which include China, Japan, Russia, the US and both Koreas, have been stalled since December 2008.)

### Underlying Problems

An underlying problem for the Council is that the 1718 Committee, which requires agreement among all 15 members to make decisions, has been gridlocked. (The Committee reached one agreement over the last year: to provide guidelines for the implementation of measures preventing the transfer of “luxury goods” to the DPRK.)

However, the Council has effectively ensured that blocked consensus at the Committee level will not prevent action from being taken by announcing in its 16 April presidential statement that the Council itself will take action if the Committee does not act pursuant to its direction.

### Options

In addition to directing the Committee to reach agreement on the additional entities and items that should be designated, the Council could take further measures, as expressed in its presidential statement, if the DPRK conducts another launch or nuclear test. If this transpires, the Council could take as-yet unspecified steps, including broader sanctions, to isolate Pyongyang, bring it into line with the international community’s expectations or weaken its capacity to undertake provocative measures.

### Council and Wider Dynamics

The three Six-Party Talks countries on the Council—China, Russia and the US—take the lead on DPRK issues. The US and China in particular seem to have worked closely in reaching agreement on the 16

April presidential statement. The strong condemnation of the DPRK’s launch and explicit reference to tightening sanctions, which went further than an equivalent statement in 2009, includes tougher language than expected by many, considering China’s relationship with the DPRK. (This statement might also seem surprising considering the inability of the Committee to agree to update designation lists in the past or publish its own Panel of Experts’ 2011 final report.) However, as evidenced by resolutions 1718 and 1874, it seems that behind closed doors China is prepared to agree to measures against its neighbour in the face of a resolute and otherwise united Council. It seems that Russia’s role in negotiations was less pronounced, and it had joined other Council members, including the UK and France, before the launch in trying to dissuade the DPRK from proceeding.

Among elected members, several states emphasised the importance of the DPRK’s abiding by relevant Council resolutions. India—which is not a party to the Nuclear Non-Proliferation Treaty (NPT) and, on 19 April, test-fired its Agni V nuclear-capable missile—stressed that anything that could increase tension in the region should be avoided. (Pakistan, which is not a party to the NPT either, similarly launched a long-range missile on 25 April.) Some members also considered the Council’s firm dictate on the matter a long-overdue opportunity for the Committee to update information on individuals and corporations who had already been designated but were using different names or front companies.

### UN Documents

#### Security Council Resolutions

- S/RES/1985 (10 June 2011) extended the mandate of the Panel of Experts that supports the DPRK Sanctions Committee until 12 June 2012 and asked the Panel to provide its final report to the Committee a month before it is submitted to the Council.
- S/RES/1874 (12 June 2009) condemned the DPRK’s 25 May 2009 underground nuclear test,

- expanded the arms embargo, authorised inspection of cargoes to and from the DPRK as well as vessels on the high seas and established a Panel of Experts.
- S/RES/1718 (14 October 2006) expressed grave concern over the DPRK’s nuclear test, imposed sanctions and set up the DPRK Sanctions Committee.

#### Presidential Statement

- S/PRST/2012/13 (16 April 2012) strongly condemned the DPRK’s launch as a serious violation of resolutions 1718 and 1874, directed the Committee to take steps to update and strengthen the sanctions regime and expressed determination to act in the event of another DPRK launch or nuclear test.

## Status Update since our April Forecast

- **Mali:** On 4 April, the Council issued a presidential statement on the situation in Mali (S/PRST/2012/9), where junior army officers fighting a spreading Tuareg rebellion in the north announced that they had seized control of the country in March (S/PV.6745). The statement called for the immediate restoration of constitutional rule, and demanded the safe release of all detainees, as well as an end to all hostilities in the north. It also condemned continued attacks, looting and seizure of territory by rebels in the north, particularly expressing alarm over the presence of Al-Qaida-affiliated terrorists in the north of the country and in the wider Sahel region.
- **Iraq:** On 10 April, Martin Kobler, head of UNAMI, briefed (S/PV.6747) the Council on the latest report of the Secretary-General (S/2012/185). The briefing was followed by closed consultations. (This was the second time the Council was briefed by Kobler, who assumed his duties in Baghdad on 8 October 2011.) The Secretary-General's report included the surge of violent attacks across the country following the issuance of an arrest warrant by the Higher Judicial Council against Vice President Tariq Al-Hashemi on 19 December 2011. Kobler also updated the Council on the Camp Ashraf situation and the developments regarding the ongoing violence in Syria and its subsequent impact on Iraq due to a potential influx of Syrian refugees, as well as the return of a large number of the estimated one million Iraqi refugees currently in Syria. Ambassador Hamid Al Bayati (Iraq), during the same briefing, called the convening of the twenty-third Arab summit in Baghdad on 29 March a milestone.
- **Myanmar:** On 11 April, Council members, during consultations, were updated on the recent developments in Myanmar by the Special Adviser to the Secretary-General for Myanmar, Vijay Nambiar. (Nambiar had recently visited Myanmar from 12-17 February, his third since the inauguration of President Thein Sein on 30 March 2011.) Nambiar highlighted peace and national reconciliation with ethnic groups and the need for the government to deliver on socio-economic needs. On 23 April, Ban Ki-moon, during his speech to the media at the UN stakeout, called the recent elections as landmark while acknowledging that the situation remained fragile. He also confirmed his forthcoming visit to Myanmar by the end of the week.
- **Sierra Leone:** On 11 April, Council President, Ambassador Susan Rice (US), read out a presidential statement on Sierra Leone (S/PRST/2012/11) in which the Council welcomed a clarification made by the Sierra Leone government on a multi-million dollar purchase of arms. Michael von der Schulenburg, who was withdrawn from Sierra Leone on 6 February as the Secretary-General's Executive Representative for UNIPSIL, had raised issue with the arms purchase in a briefing to the Council on 22 March (S/PV.6739). The statement underlined the importance of free, fair and transparent elections on 17 November. It also underscored the importance for the national authorities to respond "proportionately" to threats to the security of its citizens, and called on the government to ensure that its security forces remained committed to upholding applicable international law.
- **Western Sahara:** On 12 April, the Council held a closed meeting (S/PV.6750) with the troop and police-contributing countries to MINURSO. On 17 April, Council members received a briefing in consultations on MINURSO. The Secretary-General's Personal Envoy, Christopher Ross, and the head of MINURSO, Hany Abdel-Aziz, briefed on developments and on the latest report of the Secretary-General (S/2012/197). The final report took into account challenges to the MINURSO mandate, as requested by the Council in resolution 1979, and acknowledged that the mission had failed to fulfill its key purpose: "to organize and supervise a referendum on Western Sahara self-determination." (The final version of the released report contained no fewer than seven edited paragraphs and it replaced three previously released advance reports.) On 24 April, Council members adopted resolution 2044 and extended the mandate of MINURSO for another year. A draft resolution had earlier been discussed by the Group of Friends of Western Sahara (France, Russia, US, UK and Spain) and eventually distributed amongst Council members.
- **Terrorism:** On 17 April, the Council issued a press statement (SC/10611) condemning coordinated terrorist attacks in Afghanistan on 15 and 16 April, while "reiterating that no terrorist act can reverse the path towards Afghan-led peace, democracy and reconstruction in Afghanistan."
- **Côte d'Ivoire:** On 18 April, Ambassador Gert Rosenthal (Guatemala), the chair of the 1572 Committee, briefed Council members during consultations about the Committee's activities and on the final report of the Panel of Experts monitoring the sanctions on Côte d'Ivoire. Rosenthal hailed progress made in peace consolidation by the government of President Alassane Ouattara, but pointed out remaining challenges, including violations of the arms embargo and continued diamond smuggling. On 26 April, the Council adopted resolution 2045 renewing the Côte d'Ivoire sanctions regime for 12 months. The resolution, which also renewed the mandate of the Panel of Experts, rolled over most of the measures in resolution 1980. (Resolution 1980, adopted on 28 April 2011, renewed for a year an arms embargo, a ban on the diamond exports and targeted sanctions on a number of individuals.)
- **Guinea Bissau:** On 19 April, the Council discussed Guinea Bissau (S/PV.6754)

after soldiers seized power on 12 April. On 21 April, the Council issued a presidential statement (S/PRST/2012/15) taking note of a decision by the AU to hold consultations with the Economic Community of West African States, the Community of Portuguese Speaking Countries and other partners for “possible additional means necessary for the stabilization of the country, in consultation with the legitimate government of Guinea-Bissau.” The statement requested the Secretary-General to keep it informed on developments in Guinea-Bissau and to submit a report concerning the reestablishment of the constitutional order by 30 April.

- **Nuclear Non-Proliferation, Disarmament and Security:** On 19 April, the Council adopted a presidential statement (S/PRST/2012/14) following a meeting entitled “Maintenance of international peace and security: Nuclear non-proliferation, disarmament and security,” during which the Secretary-General briefed the Council (S/PV.6753). In its presidential statement, the Council said it remained “gravely concerned about the threat of terrorism, and the risk that non-state actors may acquire, develop, traffic in or use weapons of mass destruction and their means of delivery.” The Council encouraged all member states to increase nuclear security through national action and in collaboration with the International Atomic Energy Agency. The US convened the meeting as a follow-up to the summit-level meeting of the Council in September 2009 on the issue. It also followed soon after the Nuclear Security Summit in Seoul at the end of March.
- **Israel/Palestine:** On 23 April, the Security Council was briefed by Under-Secretary-General B. Lynn Pascoe on the peace process before its quarterly open debate on the Middle East (S/PV.6757 and res. 1). Pascoe highlighted the 11 April Quartet meeting in Washington, DC and the 17 April letter from Palestinian

President Mahmoud Abbas to Israeli Prime Minister Benjamin Netanyahu outlining the Palestinian position for the resumption of direct negotiations.

- **Women, Peace and Security:** On 24 April, the Security Council was briefed on women, peace and security by Michelle Bachelet, Under-Secretary-General and Executive Director of UN Women and Hervé Ladsous, Under Secretary-General for Peacekeeping Operations (S/PV.6759). Bachelet briefed on women’s engagement in conflict resolution, transitional justice in post-conflict situations including trends that impact women in the wake of post-conflict elections. She also reiterated several suggestions on how the Council could better incorporate women’s participation in its work in a cross-cutting way. Ladsous focused his comments on women’s political participation and protection from a peacekeeping perspective and touched on country-specific examples including Timor-Leste, Haiti, DRC, Liberia and Côte d’Ivoire.
- **Sudan/Darfur:** The Council issued a press statement on 24 April (SC/10623) condemning the 20 April attack in West Darfur which injured 4 UNAMID peacekeepers, one of whom subsequently died. On 26 April, the Council received a briefing (S/PV.6762) from Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, on the latest report of the Secretary-General (S/2012/231) on the situation in Darfur, followed by consultations. During the briefing, Ladsous said that “prospects for the resumption of negotiations between the (Sudanese) government and non-signatory movements (to the Doha Document for Peace in Darfur) do not look good at present.”
- **Timor-Leste:** On 25 April, Council President, Ambassador Susan Rice (US), issued a press statement (SC/10626) welcoming the presidential elections in Timor-Leste. (The second round of the elections took place on 16

April, following the first round on 17 March.) Council members congratulated the people of Timor-Leste in the statement on the “peaceful, smooth and orderly manner in which the elections were held,” and looked forward to the holding of parliamentary elections in the country on 7 July.

- **Illicit Flows:** On 25 April, the Council held an open debate on “Threats to international peace and security: Securing borders against illicit flows” (S/PV.6760). The Council adopted a presidential statement (S/PRST/2012/16), expressing concern that illicit cross-border trafficking and movement contributes to challenges and threats on its agenda. It also requested the Secretary-General to submit in six months a report providing a comprehensive survey and assessment of the UN’s work in assisting states in countering illicit cross-border trafficking and movement.
- **ICJ:** On 27 April, the Security Council and the General Assembly held elections for the vacant position on the International Court of Justice. Dalveer Bhandari (India) was elected over Florentino P. Feliciano (Philippines) with a majority vote of 13 votes to 2 in the Council and 122 votes to 58 in the General Assembly.

## Notable Dates for May

Report Due	Reports for Consideration in May	Requesting Document
20 April	<i>SG report on 1559 (Lebanon)</i>	<b>S/PRST/2004/36</b> <b>S/RES/1559</b>
27 April	<i>SG report on UNMIK (Kosovo)</i>	<b>S/RES/1244</b>
30 April	<i>SG report on UNMIL (Liberia)</i>	<b>S/RES/2008</b>
30 April	<i>SG report on Guinea-Bissau (reestablishment of constitutional order)</i>	<b>S/PRST/2012/15</b>
30 April	<i>SG report on Somalia</i>	<b>S/RES/2010</b>
3 May	<i>Bosnia and Herzegovina High Representative report due</i>	<b>S/RES/2019</b>
18 May	<i>SG report on AMISOM (Somalia)</i>	<b>S/RES/2010</b>
25 May	<i>SG report on UNSMIS (Syria)</i>	<b>S/RES/2043</b>

Mandates Expire	Relevant Document
27 May	UNISFA (Abyei) <b>S/RES/2013</b>

### Other Important Dates

6 May	<i>Serbian presidential, parliamentary and local elections are scheduled.</i>
16 May	<i>The ICC Prosecutor will brief the Council on Libya</i>
19-20 May	<i>A meeting of the G8 will be held in Chicago</i>
20-21 May	<i>A NATO summit will be held in Chicago.</i>
22-23 May	<i>The Peace Implementation Council Steering Board on Bosnia and Herzegovina will meet in Sarajevo.</i>
21-25 May	<i>The Council will undertake a visiting mission to West Africa.</i>
31 May-1 June	<i>There will be an international conference on Somalia in Istanbul.</i>

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## IN HINDSIGHT: Security Council Press Statements *(continued)*

from presidential statements (and in a few cases, one could argue, even resolutions) only by the way in which they were made public.

These complex press statements have appeared annually since 2000, with 2003, 2004 and the period since late 2010 onwards accounting for the bulk.

It is probably fair to say that in most cases the Council opts for a complex press statement rather than a more formal format when there is an inability (either actual or anticipated) to reach agreement among Council members to adopt a formal pronouncement (presidential statements and press statements are consensus documents and are not voted on). On several

occasions, the trade-off appears to have been between content and format. Occasionally, the authors of a particular statement would start with a more formal format as a matter of tactics and ultimately agree to a press statement in an effort to preserve the substance.

Some sensitive situations on the Council agenda have sometimes been addressed mostly by press statements. Such has been the case of Guinea-Bissau or Côte d'Ivoire (late 2010 through late March 2011). Sudan and South Sudan, starting in mid-2011 is another example (with one recent press statement taking more than six months to get approved). Occasionally, the Council has requested a report, which otherwise might not have been possible in a formal request,

through a press release. (The 2011 request for a Secretary-General's report assessing the threat posed by the Lord's Resistance Army is a recent example). In some cases, a press statement was the only pronouncement the Council could agree on with respect to a situation (as was the case with Fiji, twice, in 2006).

In hindsight, the format the Council chooses to convey a message probably should not affect its impact. The absence of a clear definition of the formal standing of press statements seems to allow the Council a certain degree of flexibility or "constructive ambiguity". One could argue that in some situations if it were not for this communications tool, the Council would have remained silent, as was often the case during the Cold War.

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