



SECURITY COUNCIL REPORT

MONTHLY FORECAST

NOVEMBER 2005



Welcome to the first publication of Security Council Report

We are at an exciting moment—the launch of an entirely new organisation dedicated specifically to the United Nations Security Council.

This initiative responds to a need for consistent, high quality and publicly-available information and analysis about the Council's activities—and those of its subsidiary bodies. It reflects the belief that the lack of such information is a consistent barrier to the effective performance of the Council and a major handicap for UN member states at large, and the wider public.

Security Council Report will publish a *Monthly Forecast Report*. The report will be freely available, on our website www.securitycouncilreport.org, and can be distributed in hard copy, email and fax. It will be:

- A preview of issues coming up in the Security Council
- A source of both analysis and detailed background information
- Independent and objective
- Available towards the end of each month covering the issues likely to arise the following month

Security Council Report has support from the Governments of Canada and Norway, and the Rockefeller, MacArthur and Hewlett Foundations. It is incorporated as a not-for-profit organisation and operates in affiliation with Columbia University.

We have also benefited significantly from advice and suggestions arising from consultations with a wide range of potential users at Missions to the UN, in the UN Secretariat and among NGOs.

We hope that readers will find this new publication informative and helpful. We look forward to input and insights for future months and feedback about style and substance. Please feel free to contact us at any time. It will be our privilege to work with you.

Colin Keating
Executive Director

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Editorial Approach

In time our *Monthly Forecast Report* will cover the full range of issues on the Council agenda and will include not only background information, but also in-depth analysis. For the first issue, however, we have selected only a few key topics for more detailed treatment. Progressively, we will expand both the range of issues and the analytical depth.

Also, it is important to note that, at the time this Forecast went to press, the Council was still to consider a number of important issues at the end of October. Accordingly, while this report addresses a number of those issues, it has not been possible to incorporate all October outcomes.

Our regular *Monthly Forecast Report* will be supplemented by *Update Reports* as needed and by occasional in-depth *Research Studies*. We also intend, on our website, to maintain a progressively expanding archive of:

- Information about the Security Council
- Details of how the Council works—its processes and procedures
- The full range of issues regarding the Council's current and likely future agenda

Our focus is to provide practical and helpful information and analysis for practitioners—such as delegates at Missions in New York, officials in capitals considering policy issues and instructions and UN Secretariat staff at headquarters, agencies or in the field. But our publications will also be prepared with the NGO community in mind, as well as the media, the academic community and the general public.

Overview for November

The following issues will be high in the minds of Council members, for November, although perhaps not all will be on the Council work programme at the outset:

- Lebanon/Syria
- Darfur
- Council mission to central Africa
- DRC

Other issues, certain to be on the work programme, include:

- Election of five judges to the International Court of Justice
- Central African Republic
- Burundi
- Somalia
- Bosnia and Herzegovina

Possible additional issues for Council attention at short notice could include:

- Iraq
- Liberia (following second round voting in presidential election)
- Haiti
- Côte d'Ivoire

Lebanon/Syria will be a very high profile—and potentially divisive—issue. It could easily dominate the Council agenda for some time. Prior to the release of the report by UNIIIC Commissioner Detlev Mehlis, all the interested parties were keeping their cards close to their chests—aware that, because a legal process is underway, it should be seen not to be predetermined. This explains the cautious approach to date. At press time the lead countries—France, the US and perhaps

the UK—have indicated they will circulate a draft resolution. It seems likely that it will be considered at a ministerial level meeting at the end of October.

Mehlis identifies threads of Syrian responsibility in the Hariri assassination, which he calls a “terrorist attack”. It is entirely likely, therefore, that the issue will quickly take on overtones not dissimilar from the pressure that built up on Libya over an extended period following the Lockerbie bombing.

Finding a consensus route through such a complex and difficult issue will not be easy. At the outset consensus on a firm resolution requiring Syrian cooperation with UNIIIC seems possible. But no one should underestimate the pressure that will be exerted if Syria sets its course against the Mehlis conclusions or in practice fails to cooperate fully with the investigation. Past experience in such cases suggests that there is unlikely to be much willingness to compromise from the likely initial position that full cooperation with the Inquiry is essential, that suspects should be extradited without delay and that justice should be seen to be done in the jurisdiction where the bombing took place.

Much of this will begin to play out during November as it becomes clear whether Syria will cooperate or not.

The eventual compromise reached in the Lockerbie matter, including a tribunal with some international dimensions, may of course be in the back of various minds. The nature of the Syrian response—and how quickly and constructively it comes—could determine just how difficult this issue turns out to be and whether this or other actions such as sanctions may be explored.

The second hard issue facing the Council will be how to handle the many strands relating to the **DRC** and the neighbouring region that will arise in November. The DRC, and the regional political and military environment, is the focus of the Council mission to central Africa.

The mission will visit DRC and neighbouring countries. The Council has structured the mission's brief so that the visit will have the maximum positive impact in the DRC in the lead up to elections. In particular, encouraging public confidence and participation is

seen as important, along with helping to contain the divisive tendencies of the various factions. An important goal will be to send signals about the Council's determination to maintain security in the Kivus, and elsewhere, to manage regional matters so that interference by regional neighbours does not reoccur and to deter spoilers.

In this context, perhaps the most difficult discussions for the mission will be in Uganda. The regional picture became further complicated in recent weeks following the news that Lord's Resistance Army (LRA) fighters had moved into DRC. Robust responses by the DRC Government and MONUC led to their withdrawal—but not before the situation had already begun to poison the regional atmosphere again. The mission is therefore very timely.

Uganda has been reluctant in the past for the LRA problem to be discussed. However, President Yoweri Museveni clearly saw a UN role in dealing with LRA fighters in DRC. Given the regional implications, it is likely therefore that this will provide an opening for the Council mission to discuss with Uganda the wider issues involved. The Declaration adopted by the Council at its recent Summit Session on 14 September (resolution 1625), at the initiative of the African members, which spoke of the need for effective strategies of conflict prevention, is likely to provide a further basis for these discussions.

Darfur / Sudan

The serious deterioration of the situation in **Darfur**, with renewed fighting by both sides has drawn strong expressions of concern from Juan Méndez, the Secretary-General's Adviser on Genocide, and António Guterres, the High Commissioner for Refugees. Confirmation by the AU representatives of military support for militia attacks on civilians is an important new element.

The Special Representative of the Secretary-General Jan Pronk has urged that pressure be brought on the parties. He also pointed to the need for preparations for post-conflict measures, similar to the Council's position vis-à-vis the North-South agreement.

Despite Darfur's monthly appearance in the Council's programme of work, there has been little activism on the issue since March.

The monthly report has not been the object of open meetings. But the recent violations of the ceasefire, attacks on civilians and AMIS peacekeepers as well as aid workers, and the concerns raised by Méndez may lead to changes in Council dynamics.

Another key fact is that the 1591 Sanctions Committee is deadlocked over its internal operating procedures. As a result, the sanctions regime agreed in March is still not fully operative.

The Council will have a report of its Panel of Experts on Sanctions, which may offer options to increase pressure.

Some members will be looking for a more activist approach. Perhaps this will lead to hearing the report from Méndez and a preliminary discussion of the full range of options.

Mood in the Council as the UN Looks Ahead

For all UN delegations, the post-summer mood is sombre. The view from the top simply revealed that the difficult peaks still remain to be climbed in 2006. Council members will have to continue to devote significant energy to the ongoing reform agenda, making their hours spent in the Council all the more precious and their desire to move Council issues ahead smoothly and swiftly all the stronger. But this will not be easy. October was a very heavy month in the Council. Looking ahead, it is clear that the Council has some very demanding tasks in front of it—and on so many of the dossiers there is no easy fix.

The focus on Lebanon/Syria is likely to be protracted and difficult.

Problems in the DRC, Côte d'Ivoire and Haiti remain deep-seated—and costly. No easy solutions are in sight and therefore no real exit strategy for the UN peacekeeping missions is apparent.

The situation between Ethiopia and Eritrea has deteriorated in an ominous way.

Terrorism will remain a constant issue, as the Bali bombings demonstrated.

Another challenging and unresolved issue relates to responsibility for crimes in East Timor. A report from the Secretary-General is awaited.

And it remains to be seen whether the heightened focus on nuclear non-proliferation will lead to related issues coming before the Council. Both the Summit and the NPT Review Conference failed to grapple with this issue. But the Council—with its situation specific approach—is a very different environment. The possibility of a weighty issue, such as Iran's nuclear programme, coming on the agenda creates a degree of edginess in the Council.

Finally the annual General Assembly session always brings with it change in the composition of the Council. The cycle of change begins to affect the way the Council operates from November onwards. **Algeria, Benin, Brazil, Philippines** and **Romania** are approaching the end of their terms. The General Assembly has elected five new members: **Congo** and **Ghana** (Africa), **Slovakia** (Eastern Europe), **Qatar** (Asia) and **Peru** (Latin America) to replace them. The new members will meet with the full Council for the first time at an informal retreat scheduled for the end of November.

Lebanon / Syria

Expected Council Action

At press time, Council members are deep in private discussion of possible action on the report into the assassination of former Lebanese Prime Minister Rafik Hariri from the United Nations International Independent Investigation Commission (UNIIC). An open briefing by UNIIC Commissioner Detlev Mehlis, followed by consultations, took place on 25 October and provided a first opportunity to hear directly from various parties and consider the follow-up of the UNIIC report.

The Council is also scheduled to meet on 31 October to address the second report on the implementation of resolution 1559 (withdrawal of Syrian presence from Lebanon), presented by the Special Envoy Terje Rød-Larsen. There is discussion of the possibility that this meeting may be held at ministerial



level and that it will provide the occasion for initial Council action on the UNIIC report.

It is expected that, at a minimum, the Council will adopt a resolution demanding Syria's full cooperation with UNIIC. Perhaps it will also set various benchmarks as to what constitutes real cooperation and call for regular reports.

As November progresses, it is expected that the Council will be monitoring the level of Syrian cooperation with UNIIC. This will give rise to further discussion in consultations during the month. And additional formal meetings and Council action are also possible, depending on the evolving situation.

Key Facts

The report of the UNIIC, made public on 20 October 2005, concluded that the assassination of Hariri could not have taken place without involvement of Syrian security officials. The Secretary-General has agreed to extend the mandate of UNIIC to 15 December so that further investigation can be undertaken. Mehlis has publicly indicated that the full investigation is unlikely to be completed by December.

Bashar Al-Assad, the Syrian President, has declared that he would be ready to hand over any Syrian involved in the assassination to an international court. However, Syria has also strongly rejected the UNIIC report claiming there is no evidence of Syrian participation in the killing. Syria also challenged the report's credibility, on the grounds that the investigation had been politicised by the US, but undertook to cooperate with UNIIC in the future.

The US has accused Syria of harbouring terrorists conducting activities in Iraq and has named Syria a state sponsor of terror as a result of its support for Palestinian militant groups and Hezbollah. The US also seems keen to keep the possibility of sanctions near the top of the agenda.

With respect to the implementation of resolution 1559, following a meeting in Paris between the French and Lebanese Prime Ministers, UN Envoy Roed-Larsen and Mahmoud Abbas, the Palestinian President, the Lebanese government has begun to put pressure on Palestinian militias in Lebanon to stop activities directed against Israel.

Key Issues

Securing a full criminal investigation and fair trial of all suspects in the Hariri assassination, is the critical issue. At the same time Council members want to avoid, as far as possible, further stimulating the current tensions in the region.

In the short term a critical issue which has emerged is what constitutes satisfactory cooperation with UNIIIC. Cooperation with a criminal inquiry is different from more fluid definitions of cooperation used in international politics.

Syria faces several very serious allegations, including not only direct implication in the assassination but also a lack of cooperation with the UNIIIC. Mehlis has called for the conduct of a "transparent" investigation by Syria in conjunction with UNIIIC. The format of future interrogation of Syrian suspects and delivery of documents will therefore be key issues as the investigation evolves in November.

A related issue is the format of future trials. Mehlis has indicated that in his personal view the Lebanese judicial system, while performing surprisingly well, will continue to need support from the UN. The Lebanese Prime Minister, as well as the Hariri parliamentary block, have proposed that international judicial machinery be set up. However, as with the Lockerbie case, it is unlikely that the US, France and the UK would be comfortable with a completely international tribunal.

Council Dynamics

Although resolution 1595 establishing UNIIIC was adopted unanimously there is a history of division in the Council on matters relating to Syria. Certainly there will be echoes in

the Council of the Organisation of the Islamic Conference General Secretariat (OIC) position that the Council should act with caution and restraint at this stage.

The US, France and the UK seem very determined to secure a strong and early initial response from the Council to the UNIIIC conclusions regarding the assassination of Hariri. France has expressed concern over imposing sanctions too soon and is inclined instead to set some initial firm demands on Syria to cooperate with and facilitate the ongoing investigation. Russia, Algeria and China are likely to agree but also to argue that Syria should have the benefit of the doubt until the investigation is complete.

Options

Assuming, as seems likely, that the Council will adopt a resolution on 31 October insisting on full cooperation with UNIIIC, the options facing the Council in November are:

- Adopting an active approach to monitoring developments in the progress of the investigation, including seeking updates in informal consultations
- Responding quickly if there are indications of problems in cooperation with UNIIIC
- Waiting until December before reviewing the levels of cooperation of Syria

Underlying Problems

Syria is a major link in the political dynamics of the region as a whole. Some, like the OIC, have expressed fears about serious regional impacts if Syria becomes unstable. Others have raised concerns about a possible radical Islamist successor to Assad's regime, should it collapse as a result of intense external pressure.

With respect to resolution 1559, despite the changes in Lebanon, the situation internally remains volatile. The pro-Syrian Lebanese President, Emile Lahoud, is currently facing pressure and isolation from the international community. Hezbollah remains an important component of Lebanese political life and holds legitimacy in the eyes of many Lebanese.

UN Documents

<p>Security Council Resolutions</p> <ul style="list-style-type: none"> • S/RES/1618 (04 August 2005) on terrorism • S/RES/1595 (07 April 2005) established UNIIIC. • S/RES/1559 (02 September 2004) on the Syrian withdrawal
<p>Presidential Statements</p> <ul style="list-style-type: none"> • S/PRST/2005/26 (22 June 2005) • S/PRST/2005/22 (07 June 2005) • S/PRST/2005/17 (04 May 2005) • S/PRST/2005/4 (15 February 2005)
<p>Secretary-General's Reports / Letters</p> <ul style="list-style-type: none"> • S/2005/662 (20 October 2005) transmission of the UNIIIC report • S/2005/393 (16 June 2005) • S/2005/272 (29 April 2005) • S/2004/777 (01 October 2004)
<p>Other</p> <ul style="list-style-type: none"> • A/60/409-S/2005/627 (04 October 2005) letter from Syria • S/2005/203 (24 March 2005) Report of the Mission of Inquiry into the Circumstances, Causes and Consequences of the 14 February Beirut Bombing • A/58/883-S/2004/706 (01 September 2004) letter from Syria • A/58/879-S/2004/699 (31 August 2004) letter from Lebanon

Historical Background

20 October 2005 The initial report of the UNIIIC was made public and its mandate was further extended.

12 September 2005 The Secretary-General agreed to extend the Commission's mandate by forty days.

25 August 2005 Informal consultations were held. During his presentation, Ibrahim Gambari, Under-Secretary-General for Political Affairs, said that Syria had not been fully cooperative with the UNIIIC. In a statement to the press, the Syrian Permanent Representative to the UN declared that Syria was ready to cooperate.

29 April 2005 The Secretary-General, in his first semi-annual report on the implementation of resolution 1559, advised that the withdrawal of troops, military assets and intelligence apparatus was underway. However, there was no progress on the implementation of the other provisions of the resolution.

26 April 2005 Syria announced the withdrawal of Syrian troops, apparatus and assets from Lebanon. The Secretary-General dispatched a UN mission to verify the withdrawal of Syrian forces.

07 April 2005 Resolution 1595, passed unanimously, established UNIIIC, based in Lebanon, to assist the Lebanese authorities in their investigation of the assassination.

29 March 2005 Lebanon confirmed its full cooperation with the investigation commission in a letter to the Council.

24 March 2005 The report of the Fitzgerald Mission of Inquiry into the 14 February Beirut bombing concluded that an international investigation was needed.

15 February 2005 The Council requested the Secretary-General to report urgently on the circumstances, causes and consequences of the bombing.

14 February 2005 Rafik Hariri and twenty others were killed by truck bomb in Beirut.

20 October 2004 Rafik Hariri, Prime Minister, resigned under pressure from Syria.

03 September 2004 President Lahoud's term was extended by three years, thereby aborting the presidential electoral process.

02 September 2004 Following allegations of Syrian manipulation of the Lebanese electoral process, the Council passed resolution 1559 with 6 abstentions (Algeria, Brazil, China, Pakistan, Philippines and the Russian Federation).

Other Relevant Facts

UN Special Envoy for Verification of the Implementation of Resolution 1559
Terje Roed-Larsen (Norway)
UNIIIC Commissioner
Detlev Mehlis (Germany)
Size and Composition of Commission
129 members, including active investigators, translators, security guards, drivers and administrators of 14 different nationalities. The staff are UN employees.
Funding
The funding comes from the regular budget and was approved by the Advisory Committee on Administrative and Budgetary Questions (GA).
Appointment Process
The task of recruiting the members was entrusted to DPA, in cooperation with

DPKO (Office of Mission Support). UNIFIL and ESCWA in Beirut also provided technical assistance and logistical support.

Activities

The modalities of cooperation with the Lebanese government are defined in a Memorandum of Understanding between Lebanon and the UN

Useful Additional Sources

Syria After Lebanon, Lebanon After Syria, International Crisis Group, Middle East Report No. 39, 12 April 2005.

Darfur

Expected Council Action

The Council will again take up the problem of Darfur, but will struggle to reach agreement on new measures to impact on the level of violence or the difficulties faced by the African Union Mission in Sudan (AMIS). The findings in the interim report of the Sanctions Committee's Panel of Experts could lead to some action on the sanctions front.

Key Facts

The conflict started in 2003, pitting the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) against the Government of Sudan. The Government responded by sending troops. In addition, Arab tribesmen known as the Janjaweed were recruited by the Government and engaged in brutal attacks against the civilian population of Darfur. Out of the estimated 6 million population of the region, at least 100,000 and possibly as many as 400,000 died, while some 2 million fled and remain in camps for refugees or internally displaced persons.

On 31 March, the Council referred the situation to the International Criminal Court (ICC), following the recommendations of International Commission of Inquiry, established pursuant to resolution 1564 to investigate reports of violations of international humanitarian and human rights law. The Council also:

- Extended the arms embargo to all parties in Darfur
- Imposed a travel ban and assets freeze on human rights violators and peace spoilers
- Reiterated the ban on offensive military flights over Darfur.



A Sanctions Committee assisted by a Panel of Experts was charged with identifying specific persons against whom the sanctions could be targeted. An arms embargo against nongovernmental actors had previously been imposed through resolution 1556 (2004), and the Council expressed its intention to review it should Khartoum fail to disarm the Janjaweed and bring them to justice.

Following a ceasefire agreement in April 2004 and successive rounds of peace talks, negotiations on power and wealth-sharing started in September. Little progress has emerged, and the next round is expected to start in late November.

There has been renewed fighting in Darfur, with breaches of the ceasefire by insurgent groups and the Government, intensified violence against civilians and attacks on AMIS forces as well as aid workers. Worsening conditions on the ground prompted the UN to suspend part of its aid delivery.

AMIS remains under funded, overstretched and unable to provide adequate civilian protection. There are reports that the Government has delayed clearance for essential equipment for AMIS. Although in the coming weeks AMIS is expected to reach its full strength of 7,731 personnel as mandated by the African Union (AU), its inability to effectively prevent or deter attacks against civilians has recently become apparent. In the event of a peace agreement, AU assessments estimate as many as 12,000 personnel will be needed to assist in the return of displaced persons. A new assessment mission is expected for November.

Reports have indicated ongoing violations of sanctions, including Khartoum's failure to cut support to the Janjaweed or disarm them. Enforcement of the sanctions regime is still lacking. The Panel of Experts has reported difficulties in obtaining information on the ground and achieving cooperation with the AU. The sanctions committee is still inoper-

tive, with no agreement on guidelines and therefore no capacity to target sanctions against individuals.

The Council currently awaits the Panel's final report, as well as a briefing from the chairman of the sanctions committee by early December and another one from the ICC Prosecutor-General in December.

On 10 October, the Council was divided about receiving an oral report on Darfur from Méndez, due to reservations from the US, Algeria, China and Russia. However, a presidential statement expressing concern about recent developments and condemning attacks against AMIS was approved on 13 October.

Key Issues

The Council currently faces three issues:

- Its current measures do not seem to be having the desired effect of deterring violence and providing parties with incentives to negotiate a peace settlement.
- The problems of under funding and overstretching for AMIS are raising questions about the strategy of relying on regional organisations.
- The internal failure to reach agreement on guidelines for enforcing the sanctions regime has rendered the sanctions strategy ineffective.

Council Dynamics

There is considerable uncertainty inside the Council about what course of action to take, especially given the lack of substantial progress in the peace talks. All along, the Council has been divided on Darfur, with China, Russia and Algeria tending towards the least intrusive approach vis-à-vis the Government of Sudan. This has been particularly visible during debates on sanctions, the ICC referral and most recently, the aborted briefing on Darfur by Méndez.

Moreover, back in 2004, the Council decided to support the AU military deployment in Darfur rather than contemplate a UN-mandated force. The regional deployment by the AU has been much more acceptable to the Government of Sudan. But all peacekeeping capabilities are at an early stage of development. Its deployment has been very slow and is still short of the currently autho-

risied numbers. By contrast, the Council has authorised a force of up to 10,000 military personnel in southern Sudan to monitor the implementation of the North-South peace accord. As a result, some actors are concerned that there is a very substantive deployment in areas where there is no conflict, while violence continues to ravage Darfur, a region that suffers from insufficient peacekeeping capacity.

The issue of AMIS capacity has been sensitive. Some Council members prefer that the UN not deal with Darfur at all. Others are relieved that there is a regional actor to which they can delegate the problem. As a whole, the Council is concerned about not undercutting a budding regional peacekeeping initiative.

Options

Regarding sanctions, the Council will need to decide how to address the current violations. Revising the current sanctions regime is an option. Resolving the deadlock in the Sanctions Committee is another. A more targeted set of measures is a further possibility. Secondary sanctions against sanctions violators is a fourth option. But given the current split on sanctions within the Council, prospects seem limited.

Another option which may be discussed is whether to accept the real limitations constraining the AMIS mission or to explore ways of providing a more robust protection presence in Darfur, possibly through the co-deployment of UN and AU troops. Opposition from the Government of Sudan is to be expected.

Underlying Problems

The deterioration of the situation on the ground reflects fragmentation within rebel groups, widespread lawlessness, the reported continuing support to the Janjaweed from Khartoum and violations of the ceasefire by all sides.

Several regional players also have stakes in the current situation. Eritrea has Darfurian rebels in its territory. Chad has also been a key player in the region, both as mediator in ceasefire negotiations and, as Guterres points out, as a major recipient of Darfur refugees.

UN Documents

Security Council Resolutions

- S/Res/1593 (31 March 2005) referred the situation to the ICC.
- S/Res/1591 (29 March 2005) strengthened sanctions; established a Sanctions Committee and a Panel of Experts.
- S/Res/1590 (24 March 2005) requested the Secretary-General to report on options for the UN Mission in Sudan to assist AMIS.
- S/Res/1574 (19 November 2004) expressed support for peace processes in Sudan.
- S/Res/1564 (18 September 2004) established the International Commission of Inquiry.
- S/Res/1556 (30 July 2004) deemed the situation in Darfur a threat to international peace and security, established an arms embargo, requested monthly Secretary-General's reports and expressed intention to take action against Khartoum.

Presidential Statements

- S/PRST/2005/48 (13 October 2005)
- S/PRST/2004/18 (25 May 2004)

Secretary-General's Reports / Letters

- S/2005/650 (14 October 2005) was the latest monthly report of the Secretary-General.
- S/2005/378 (09 June 2005) reported on the Secretary-General's trip to Darfur.
- S/2005/285 (03 May 2005) detailed options for UN assistance to AMIS and proposed increases in AMIS troop levels.
- S/2004/703 (30 August 2004) noted that the Sudanese government did not fulfil its obligations under resolution 1556 (2004)

Historical Background

20 October 2005 Peace talks suspended or a month.

15 September 2005 Peace talks resumed in Abuja.

28 April 2005 The AU Peace and Security Council increased the authorized strength of AMIS to 7,731 military and police personnel.

31 March 2005 The Council referred the situation in Darfur to the ICC.

29 March 2005 The Council authorized travel and financial sanctions.

25 January 2005 The report of the International Commission of Inquiry concluded that war crimes and crimes against humanity had been committed in Darfur.

09 January 2005 The Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) signed the Comprehensive Peace Agreement to end the North/South conflict.

19 November 2004 The Council convened in Nairobi to discuss Sudan, including Darfur.

20 October 2004 The AU decided to expand the mandate of AMIS to include the protection of civilians in imminent danger and in the immediate vicinity of its troops.

18 September 2004 The Council asked the Secretary-General to establish a Commission of Inquiry to investigate reports of atrocities in Darfur.

01 September 2004 Parties to the conflict called for the deployment of AU peacekeepers.

30 July 2004 The Council imposed an arms embargo against all nongovernmental entities and individuals until the Government of Sudan successfully disarms the Janjaweed.

03 July 2004 The Government of Sudan and the UN issued a Joint Communiqué, underlying Khartoum's commitments towards peace in Darfur.

08 April 2004 The Humanitarian Ceasefire Agreement was signed by the Government of Sudan, SLA and JEM.

07 April 2004 The Secretary-General highlighted Darfur in his address to the Commission on Human Rights.

February 2003 Insurgency against the Government started in Darfur.

Other Relevant Facts

AU's Chief Mediator
<ul style="list-style-type: none">• Salim Ahmed Salim (Tanzania)
Head of AMIS
<ul style="list-style-type: none">• Ambassador Baba Gana Kingibe (Nigeria)
AMIS Force Commander
<ul style="list-style-type: none">• Major-General Festus Okonkwo (Nigeria)
Size and Composition of AMIS
<ul style="list-style-type: none">• Total authorized strength: 6,171 military and 1,560 police personnel• Current Strength (20 October 2005): 5,601 military personnel and 1,176 police personnel• Key troop-contributing countries: Nigeria, Rwanda, Senegal, South Africa and Ghana
Cost (requested budget)
<ul style="list-style-type: none">• \$466 million (\$290 million pledged)• Largest donors: Canada, EU, US

Useful Additional Sources

Unifying Darfur's Rebels: A Prerequisite for Peace, International Crisis Group, Africa Briefing, No. 32, October 2005.

Democratic Republic of Congo

Expected Council Action

The Council mission will meet with a range of parties in the Democratic Republic of Congo (DRC) to convey support for the transition process and help build confidence in the lead up to elections.

The Sanctions Committee is expected to adopt a consolidated list of individual violators of the arms embargo.

Key Facts

In December 2002, the Inter-Congolese Dialogue approved the Global and All-Inclusive Agreement, which established a transition process in the DRC leading to a constitutional referendum and elections, now due in December 2005 and mid-2006. The Council mandated the United Nations Organisation Mission in the Congo (MONUC), first established in 1999, *inter alia* to support the Congolese government in the transition and to:

- Assist in the disarmament of foreign and Congolese combatants
- Deter the use of force threatening the



peace process

- Provide civilian protection
- Assist in the electoral process

In 2003, the Council imposed an arms embargo on all armed groups operating in the Ituri region and in the Kivus, as well as against armed groups not party to the Agreement. In 2004, it established a Sanctions Committee and a Group of Experts. In 2005, the Council extended the sanctions to any recipient in Congolese territory and adopted targeted travel and financial sanctions. To date, however, the Committee has not agreed to implement the targeted sanctions by listing named individuals.

The transitional process remains fragile and plagued by corruption, difficulties in disbanding private armed groups and the legacy of foreign forces in Congolese territory, the continuous flow of weapons, and the illegal exploitation of natural resources in Congolese territory. The maintenance of private militias and foreign armed groups is both an obstacle to the integration of the DRC army and a justification commonly used for the perpetuation of paramilitary groups. Meanwhile, MONUC is overstretched, and there is the perception that its efficiency is compromised despite all the investment.

The January 2005 report of the Group of Experts found that Uganda and Rwanda have "provided State-authorized arms transfers" to the DRC and that "their troops had been directly involved in supporting dissident forces." The Group furthermore asserted that "neighbouring States continue to exploit the rationale that they have the right to interfere in the internal affairs of the DRC to safeguard their own national security interests. For instance, both Rwanda and Uganda maintain security arrangements with leaders of armed groups in the embargoed regions, under the pretext that the DRC has so far failed to disarm rebel forces." The governments of Rwanda and Uganda have protested those allegations. Eastern provinces in the DRC have nonetheless

consistently witnessed cross-border incursions and smuggling of natural resources.

The sanctions committee has now compiled a list of alleged individual violators targeted for financial and travel sanctions. This is expected to be finalised by early November.

At the time of writing, the Council is expected to extend MONUC's mandate and expand its strength by about 300 troops by 31 October. The additional troops will be deployed in the Katanga province to support security for the upcoming elections.

The Council is sending a visiting mission to the DRC in the first week of November.

Key Issues

A major issue is how to reinforce the transitional process in the lead up to the elections. This has four aspects:

- Internal confidence within the DRC (which the Council mission is designed to reinforce)
- Security issues (which are MONUC's responsibility, but about which there are increasing differences)
- The need to address sanctions violations
- The regional dimension (particularly the ongoing tension between the DRC and its neighbours Rwanda and Uganda)

Council Dynamics

The Council has been divided over implementing targeted sanctions, but faced with the persistent difficulties in the DRC and the risks posed for the electoral process, a multi-pronged strategy seems to be emerging. This involves:

- Sending signals to the DRC, via the mission, of the importance of keeping the transition on track
- Reinforcing that message by beginning to activate targeted sanctions
- Showing willingness to address security issues by burying differences over MONUC's needs and capacities and reaching a compromise on an increase in troops (albeit at a much lower level than recommended by the Secretary-General)
- Authorising the mission specifically to address the cross-border and regional dimensions with neighbouring countries in the hope that tensions can be managed and reduced in the lead-up to the Great Lakes Summit in December

Options

The Council will be under pressure from NGOs—and, to some extent, from the African Union as well—to authorise additional forces for MONUC. Given US scepticism, this option is unlikely to be reconsidered, unless the mission returns with compelling recommendations in that regard.

The tightening of sanctions is also a possibility, but unlikely in November given that the report of the Group of Experts is due at the end of the month. Further consideration in December is more likely. A resolution or presidential statement picking up recommendations from the mission visit is a possible option.

Underlying Problems

The transitional process in the DRC is a regular item in the Council's programme of work. Key and interconnected problems include security-sector reform, DDR (disarmament, demobilisation and reintegration) and DDRRR (disarmament, demobilisation, reintegration, repatriation or resettlement of combatants), good governance and the electoral process.

MONUC's effectiveness vis-à-vis its extensive mandate and the complexity of the situation in the DRC is also a continuing concern. MONUC is the largest peacekeeping operation and it consumes the bulk of the UN peacekeeping budget. MONUC's troops are currently deployed in the Kivus, the Ituri region and Kinshasa. However, the Council has been unable as a whole to adopt a coherent approach to the tension between MONUC's responsibilities and its size. Instead, it has only been able to agree to piecemeal increases while containing costs.

The DRC, Rwanda, Burundi and Uganda have conducted talks as components of the Tripartite Plus One Commission, which set a 30 September deadline for all foreign forces to leave the DRC. Talks have received the assistance of the Contact Group composed by the US, UK, France, Belgium and the EU, amongst others. Regional relations have soured recently with rebels from the Ugandan Lord's Resistance Army (LRA) crossing into the DRC from Sudan.

UN Documents

Security Council Resolutions

- S/Res/1621 (06 September 2005) expanded MONUC and authorised its support for Independent Electoral Commission.
- S/Res/1616 (29 July 2005) extended sanctions until 31 July 2006 and renewed the mandate of the Group of Experts until 31 January 2006.
- S/Res/1596 (03 May 2005) expanded the arms embargo and added travel bans and assets freeze to the sanctions regime.
- S/Res/1565 (01 October 2004) further expanded MONUC to monitor the implementation of the arms embargo.
- S/Res/1533 (12 March 2004) established the sanctions committee and the Group of Experts.
- S/Res/1493 (28 July 2003) imposed an arms embargo.
- S/Res/1445 (04 December 2002) welcomed the signing of peace agreements with DRC's neighbours and further expanded MONUC.
- S/Res/1291 (24 February 2000) added Chapter VII protective powers to MONUC's mandate.
- S/Res/1279 (30 November 1999) established MONUC.

Presidential Statements

- S/PRST/2005/46 (4 October 2005)

Secretary-General's Reports / Letters

- S/2005/603 (26 September 2005) is the latest report.
- S/2005/320 and Add.1 (26 May 2005) special report on DRC elections

Other: Reports of the Group of Experts

- S/2005/436 (26 July 2005)
- S/2005/30 (25 January 2005)
- S/2004/551 (15 July 2004)

Historical Background

16 September 2005 The Tripartite Plus One Commission adopted a statement on the 30 September deadline for foreign troops to leave the DRC.

20 June 2005 Voter registration began.

May 2005 The Council expanded the arms embargo to include any recipient within the entire country's territory, and imposed a travel ban and assets freeze.

March 2004 The Council established a Sanctions Committee and a Group of Experts.

July 2003 The Council imposed an arms embargo on armed groups in the Kivu and Ituri or those not party to the Global and All-Inclusive Agreement.

April 2003 The final act of inter-Congolese political negotiation was signed.

December 2002 The parties to the Inter-Congolese Dialogue signed a Global and All-Inclusive Agreement.

September 2002 The DRC and Uganda signed the Luanda agreement on troop withdrawals.

July 2002 The DRC and Rwanda signed the Pretoria agreement on troop withdrawals.

December 1999 The Council established MONUC.

July 1999 The DRC, Angola, Namibia, Rwanda, Uganda and Zimbabwe signed the Lusaka Ceasefire Agreement.

Other Relevant Facts

Special Representative of the Secretary-General and Chief of Mission
William Lacy Swing (US)
Size and Composition of Mission
<ul style="list-style-type: none"> Authorized maximum strength at the time of writing: 16,700 military personnel Current strength (21 September 2005): 16,145 total uniformed personnel, including 15,417 troops, 544 military observers, 368 civilian police. Contributors of military personnel: Algeria, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, China, Czech Republic, Denmark, Egypt, France, Ghana, Guatemala, Guinea, India, Indonesia, Jordan, Kenya, Malawi, Malaysia, Mali, Mongolia, Morocco, Mozambique, Nepal, Niger, Nigeria, Pakistan, Paraguay, Peru, Poland, Romania, Russian Federation, Senegal, Serbia and Montenegro, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom, Uruguay and Zambia. Fatalities: 60
Cost
Approved budget of US \$383.18 million for 01 July 2005 – 31 October 2005 (A/RES/59/285 B)
Duration
30 November 1999 to the current

authorisation of 31 October 2005
(S/Res/1628 (2005))

Source: DPKO

Election of Five Judges of the International Court of Justice

On 7 November, the Security Council and the General Assembly will elect five new judges to fill vacancies on the 15-member International Court of Justice (ICJ). The Statute of the ICJ, in article 8, provides that the “General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court”. The simultaneous elections are intended to limit the possibility of the outcome of a vote in one organ influencing the vote in the other.

Candidates

In this contested election, there are eight candidates for the five positions. The candidates are: Abdelfattah Amor (Tunisia), Mohamed Bennouna (Morocco), Thomas Buergenthal (US), Julio D. González Campos (Spain), Kenneth Keith (New Zealand), Seidou Adamou Mazou (Niger), Bernardo Sepúlveda Amor (Mexico), and Leonid Skotnikov (Russian Federation).

Election Process

All seats on the Court are for nine-year terms. No two nationals of the same state can be elected to the Court. Under the ICJ Statute (article 10) those candidates who obtain an absolute majority of votes in both the General Assembly and in the Council are elected. The statute also provides that the vote in the Security Council shall be taken without any distinction between permanent and non-permanent members of the Council, which means that the veto has no effect on the outcome of the vote.

If the number of candidates obtaining an absolute majority is less than five on the first ballot, a second ballot will be held and balloting will continue until five candidates have obtained the required majority. This procedure applies in both the General Assembly and the Security Council. In the event the five candidates elected in one organ are not the same elected in the other organ, both organs will proceed to new balloting to fill the remaining seats. This process will continue for three meetings, after



which if all vacant positions are still not filled, the Council and the General Assembly may decide to convene a conference of six members (three from each organ) to recommend a candidate.

In choosing the judges to serve on the ICJ, the members of both the Council and the General Assembly will consider not only the qualifications of the candidates, but also whether they are from countries that have an interest in the cases pending before the Court. Member states also will consider whether any of the candidates have been involved in advocating on behalf of issues or disputes before the Court, or issues that are likely to be considered by the Court in the very near future. In addition, under article 9, the ICJ Statute requires that, in each election, the electors should ensure the representation of the world’s “main forms of civilization and of the principal legal systems” in the body of the Court as a whole.

Political Issues

Apart from the Statute’s legal requirements, member states will inevitably take political considerations into account in voting. Historically, permanent members of the Council, although having no legal entitlement to permanent representation on the Court, have always been elected. In this regard, the election of the US and Russian candidates is very likely. As in other UN elections, regional considerations also play a role. This is likely to favour the Mexican candidate as there is only one candidate from Latin America. The three candidates from Africa and the two candidates from the Western Europe and Others Group would thus compete for the two remaining seats. Precedent suggests that one will be elected from each group.

Background on the International Court

The ICJ is one of the four principal organs of the United Nations—as it currently operates these are the General Assembly, the Security Council, the Economic and Social Council, and the International Court of Justice. All UN

member states are party to the Statute of the ICJ, which is an annex to the UN Charter. States may consent to take a dispute between them to the ICJ, and in doing so consent to be bound by the Court's decision. In the event that one state party fails to abide by the Court's decision, the other state party may have recourse to the Security Council. Under the UN Charter, the Council may then make recommendations or decide upon measures to give effect to the Court's decision if it deems this necessary. Consent may be given either on an ad hoc basis or generically pursuant to a declaration made under the compulsory jurisdiction procedure in the Statute (article 36).

In addition to this binding form of jurisdiction, the Council or the General Assembly may request the ICJ to give an advisory opinion on any legal issue. The General Assembly may also authorize other organs and specialized UN agencies to request advisory opinions of the Court. The advisory opinions of the ICJ have, over the years, helped to guide both the Council and the General Assembly in dealing with legal issues falling within their respective agendas.

Some Relevant and Recent Cases

ICJ advisory opinions have played a role in two current issues before the Council: the status of the territory of Western Sahara; and the wall being built by Israel in occupied Palestinian Territory.

In the case of Western Sahara, responding to a request made by the General Assembly, the ICJ on 16 October 1975 issued an advisory opinion which found no "territorial sovereignty" that would preclude "application of General Assembly resolution 1514 (XV) in the decolonisation of Western Sahara, and in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory." Resolving the issue of Morocco's territorial claim versus the right of the Saharawi people of Western Sahara to self-determination has so far proven to be intractable for the Council.

More recently, the ICJ on 09 July 2004 gave an advisory opinion pursuant to a General Assembly resolution adopted on 08 December 2003 at its Tenth Emergency Special Session. The issue concerned

"the legal consequences arising from the construction of the wall being built by Israel, the Occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem." In its advisory opinion, given by a divided Court, the ICJ concluded that "the construction of the wall, and its associated regime, are contrary to international law."

Unlike the advisory opinions, which are not enforceable, the ICJ's opinions on contentious cases, or disputes between two states consenting to the Court's jurisdiction, are binding and enforceable. Contentious cases currently before the Court include various types of disputes: territorial disputes (*Costa Rica v. Nicaragua* and *Romania v. Ukraine*); criminal proceedings in France (*Rep. of the Congo v. France*); and armed activities on the territory of the Democratic Republic of Congo (*Dem. Rep. of the Congo v. Rwanda*).

Council Mission to central Africa

Expected Council Action

The Council is expected to visit the Democratic Republic of the Congo (DRC), Burundi, Rwanda, Uganda and Tanzania from November 4 to 11. A report on the visit is expected in November.

Key Facts

Annual missions to central Africa have become Council practice. They are opportunities for Council members to convey unified messages to key players, as well as underscore their concerns and support for peace in the region. These missions have helped to improve understanding of the pervasive regional implications and linkages arising from conflicts in central Africa, and have been important for information gathering and direct exchanges with political actors.

France has taken the lead in such missions since 2001. Draft Terms of Reference for the upcoming mission will be finalised before the end of October.

The mission is expected to meet with heads of government, government officials, civil society representatives and opposition

leaders. Not all Council members will be represented at the ambassadorial level.

The crucial point for the upcoming mission will be to highlight to key players the importance of maintaining the transitional process in the DRC on track for the 30 June 2006 deadline. While the mission will want to welcome the positive steps that countries have taken, especially regarding the situation in Burundi, in the DRC it will underscore the critical significance of commitment to the timely completion of the transition process. Particular emphasis is likely to be put on the Council's determination to resist any acts that may endanger the DRC transition. In Rwanda and Uganda, there is likely to be a clear message that those who oppose peace in the region should receive no support.

The Council's resolve to enforce the DRC arms embargo will be stressed. Countries that have taken steps to support its implementation and monitoring will be encouraged. Council members will nonetheless remind all states of their obligations to respect the sanctions regime and to cooperate with the work of the DRC Group of Experts.

The issue of armed groups active in Congolese territory is likely to be raised in the DRC, Rwanda and Uganda. The Council's determination to continue to pressure foreign groups in eastern DRC will be signalled. The critical importance of participation and cooperation with disarmament and reintegration programmes (DDR and DDRRR) will be emphasized.

It is also expected that the mission will address the need to bring to justice those responsible for violations of international humanitarian law and human rights in the DRC, as well as the issue of child soldiers and the zero-tolerance policy against any cases of sexual abuse from UN peacekeepers.

Particularly in the DRC, the mission will underscore that the transition process culminating in elections in 2006 is the only acceptable solution. It intends to convey these points to President Joseph Kabila and possibly to the opposition leadership. Additional points will be the importance of

the adoption of the Electoral Law, good governance, the integration of the national army and implementation of DDR programmes. The Council is also considering a visit to Katanga to see the progress made in building the DRC national army.

In Burundi, the mission will reaffirm the commitment to remain involved in the country, highlighting the need for completion of the DDR programme, integrating the rebel forces nationales de libération (FNL) in the process, and addressing impunity and reconciliation.

In Uganda specifically, the mission will stress the Council's concerns with outside support given to rebels in Ituri (DRC) and the recent deterioration that occurred in the context of the intrusion of Lord's Resistance Army (LRA) fighters into the DRC. This could open the way for discussion on a range of issues relating to the LRA, and an exchange of views with authorities on solutions to the conflict in northern Uganda is expected.

In Tanzania, the mission will follow presidential elections scheduled for 30 October. It will commend Tanzania's role as a stabilising factor in the region and underscore the need to review conditions and modalities for the return of Burundian and Congolese refugees in Tanzania.

Key Issues

The key issue for the Council's mission is to find ways of making sure that the transitions in the DRC and Burundi stay on track, securing Rwandan and Ugandan support for the Congolese process, and helping to ensure a successful Great Lakes Summit in December.

UN Documents

Reports of Security Council Missions to Central Africa/Great Lakes Region

- S/2004/934 (30 November 2004)
- S/2003/653 (17 June 2003)
- S/2002/537 (13 May 2002) and Add.1 (14 May 2002)
- S/2001/521 (29 May 2001) and Add.1 (30 May 2001)
- S/2000/416 (11 May 2000)

Other Relevant Facts

Head of Mission
• Ambassador Jean-Marc de la Sablière (France)
Duration
• 04-11 November 2005
Tentative Schedule as of 20 October
• 05 November: Kinshasa (DRC)
• 07 November: Kasai-Oriental and Katanga provinces (DRC); Bujumbura (Burundi)
• 08 November: Entebbe (Uganda) or Kigali (Rwanda)
• 09 November: Dar es Salaam (Tanzania)
Prior Visits to the Region
• 21-25 November 2004
• 07-16 June 2003
• 27 April-07 May 2002
• 15-26 May 2001
• 04-08 May 2000

Security Council Subsidiary Bodies: November 2005

The chairmen of the Sanctions Committees on Al-Qaida/Taliban, Liberia and Somalia have recently outlined significant problems besetting the effective implementation of the sanctions measures, including evidence of significant sanctions violations by states, groups and individuals. In light of these reports, the Council has renewed the relevant sanctions measures and broadened the mandates of committees and their experts for monitoring the implementation of the sanctions. The Council has also given strong indication of its willingness to impose additional measures on sanctions violators, including secondary sanctions.

More Effective Implementation

In a series of resolutions, the Council has charged the sanctions committees and their experts to provide it with specific recommendations to make the implementation of the sanctions more effective. This includes identifying specific persons (natural and corporate), groups and states engaged in sanctions violations for further action by the Council.

Somalia

In the case of Somalia, the Council asked for the names of persons and entities, inside



and outside the country, responsible for providing support to the sanctions violators. The Chairman of the committee has been asked to plan a visit to Somalia to demonstrate the Council's resolve to implement the arms embargo.

The 1267 (Al-Qaida/Taliban) Committee

The Committee is expected to move quickly to prioritise the recommendations for implementation made by its Monitoring Team and to implement those measures already agreed upon. Before the end of 2005, the chairman, accompanied by members of the committee and Monitoring Team, will visit certain states that have been deemed critical to effective implementation of the sanctions measures. Also, members of the Monitoring Team will visit a number of countries in Central Asia. Such visits are part of an ongoing process to identify those states that lack capacity to implement the sanctions measures effectively, as well as to determine and help build the level of political will of states to do so.

Capacity Issues

The Security Council has mandated the 1267 Committee, as well as other sanctions committees, to identify and assist those states that lack the capacity to implement the sanctions measures, particularly states in the regions of the sanctions targets, or those that have a direct impact on the effectiveness of the sanctions measures. In light of this, issues of improved cooperation and collaboration among the three committees dealing with terrorism in assessing and assisting states to build their counter terrorism capacity and effectiveness to implement the relevant measures are expected to be advanced on the agendas of the Al-Qaida/Taliban Committee, the 1540 (terrorism and weapons of mass destruction) Committee, and the 1373 or Counter Terrorism Committee (CTC).

The link between the CTC's assistance facilitation efforts and the other committees

Expected Council Action

As this edition goes to press, a presidential statement urging the full implementation of resolution 1325 on women, peace and security, as well as welcoming the Secretary-General's provision of an action plan for the resolution, is expected to be the outcome of the 27 October open debate on this issue. The debate will focus on women's participation in peace processes, a theme proposed by the Romanian presidency, and will feature two speakers from civil society. The Permanent Mission of Denmark hosted an Arria formula briefing on 25 October to discuss this topic with NGOs as well as the current challenges to the implementation of resolution 1325 within the UN system and at the regional and national levels.

Key Facts

The Secretary-General's third report on women, peace and security, published on 20 October, included details of an action plan for implementation of resolution 1325, highlighting twelve different areas to be implemented by various UN agencies. It recommended additional attention from the Security Council through incorporating gender issues on a more systematic basis in resolutions and presidential statements, and it called for the introduction of a biennial report on the overall implementation of the action plan.

There is a broad agreement that armed conflicts have a significant impact on women civilians, especially through the use of sexual violence. The Secretary-General assessed that there has been a positive shift in international understanding that women need to be involved in running peacekeeping operations and that specific needs of women affected by conflict must be addressed by peacekeeping.

In 2001, to broaden support among UN Member States for resolution 1325, a group of "Friends of 1325" was established at the initiative of Canada. The number of members varies between 15 and 20. The group meets every two or three months with the Secretary-General's Special Advisor on Gender Issues and the DPKO Gender Advisor.

dealing with counter terrorism-related capacities is being developed. There remains a gap between the identification of states' capacity to implement sanctions measures, as required by other sanctions committees, and the committees' ability to facilitate assistance. In this regard, as well as helping it to fulfil its counter terrorism functions, the work of the CTC also has the potential to complement and improve the work of all Security Council sanctions committees.

The measures required of states in resolution 1373, when implemented fully, will enhance significantly their legal and administrative capacities to implement sanctions measures imposed by the Security Council. The 1267 Committee, which targets terrorist suspects, currently refers to the CTC and its Counter Terrorism Executive Directorate (CTED) those states identified by the Committee's experts as lacking in capacity and needing assistance. However, most other sanctions committees, with targets related to specific conflict situations are not mandated to do so. There are obvious grounds for an increased level of cooperation and collaboration between all sanctions committees—regardless of their sanctions portfolio—and the CTC/CTED. Lack of capacity in enforcing the sanctions measures is also an indication that the states identified by them have not implemented fully the requirements of resolution 1373.

CTED Activity

In the meantime, the CTED, which is now fully staffed, both professionally and administratively, should now be in a position to carry out its dual mandate more effectively:

- Monitoring the implementation of mandatory measures set out in resolution 1373 (2001)
- Facilitating assistance to states lacking expertise and resources to implement the 1373 measures. (This will include acceleration of the pace of country visits as outlined in the CTC's work programmes and the proposed future work of the CTED.)

It is expected that the CTED will conduct at least one or perhaps two country visits before the end of the year, and will step up the pace of visits in early 2006. While the CTC has demonstrated its capacity to carry

out its monitoring and evaluation functions, the CTED's effectiveness in following up on the country visits with effective facilitation of assistance will determine to what extent the broader UN membership will continue to support their work. Proven success in facilitating capacity building assistance also should serve as encouragement to states to invite CTC to conduct future country visits through its CTED.

Côte d'Ivoire

When the chairman of the 1572 (Côte d'Ivoire) Sanctions Committee met with government officials and representatives of unofficial groups during his visit in October, elections in the country had been postponed because of the high level of insecurity due in large part to violations by parties on all sides of the conflict. In light of such issues, Council members will now monitor compliance with a proposed "road map" leading to elections no later than 31 October 2006 and are likely to list any persons deemed to be obstructing the peace process as defined in the proposed "road map," thereby triggering sanctions against them. There is also heightened concern about the level of human rights violations being reported against either side of the conflict, and incitement to hatred and violence, which may also lead to listing. At the time of the chairman's arrival in Côte d'Ivoire, the Security Council approved resolution 1632 (2005) on 18 October, which extended the mandate of the Group of Experts to 15 December 2005 with a request that it provide a brief update of the implementation of current sanctions by 1 December. Further action by the Council imposing additional measures against parties to the conflict could depend both on the report of the Group of Experts in December and the development of the "road map".

Conclusion

In general, there has been a growing willingness on the part of the sanctions committees to give greater weight to evaluating the capacity of states to implement the sanctions measures. However, some evaluation of the level of political will of states to implement the sanctions measures is still part of the matrix. It is unlikely that committees will continue to concentrate their efforts merely on the legal and administrative capacities of states to meet their obligations.

Key Issues

After endorsing the Secretary-General's action plan, Council members will need to decide to what extent are they ready to commit to establishing concrete mechanisms for enhanced monitoring of the implementation of resolution 1325, as outlined in the Secretary-General's action plan.

The equal participation and full involvement of women in all aspects of conflict management is an issue to be addressed by the Council in relation to the creation of the Peacebuilding Commission, specifically to ensure that gender perspectives are taken into account in its design and activities.

Another issue likely to affect the Council's debate is whether details of implementation of the action plan fall outside the ambit of normal Council decision-making. While this may not be articulated publicly, this point may be reflected in a reluctance to engage in much more than limited endorsement of the Secretary-General's recommendations.

Some troop-contributing countries may find proposed measures such as the inclusion of more women into their military forces difficult to implement. It remains to be seen whether this issue will emerge and in what context.

Council Dynamics

There is a core group of Council members very active in the promotion of issues under the scope of resolution 1325, including Denmark, France, Romania and the UK. Outside the current membership of the Council, those actively involved include Canada, Chile, Mexico and Namibia. However, even though resolution 1325 was adopted unanimously, certain members of the Council have raised concerns about the Council's engagement in some aspects of the resolution's scope. In the 2004 debate, which marked the fourth anniversary of the resolution's adoption, several members—especially Algeria, but also China and Russia—argued that the Council should not expand its scope into areas that are the domain of other UN organs or other international fora. This may affect the level of enthusiasm for this issue in the coming months.

Earlier this year, the Council received numerous accounts about repeated instances of sexual exploitation perpetrated by peacekeepers. In May, the Council was briefed by the Secretary-General's Special Adviser on Sexual Exploitation and Abuse, Prince Zeid Ra'ad Zeid Al-Husseini of Jordan. A presidential statement condemning acts of sexual exploitation and abuse was issued. Generally, this matter has produced a degree of tension, and members have been reluctant to engage in a public debate about this problem.

Options

In the months following the fifth anniversary of resolution's adoption, it is an open question whether the Council will in practice be more inclined to include the language of 1325 in its resolutions concerning specific situations, specific conflicts and specific peacekeeping operations.

Furthermore, although the problem of sexual exploitation and abuse in the context of peacekeeping operations is not limited to women, the overwhelming majority of victims of such abuses are women, which means that this matter is closely related to the issues covered by resolution 1325. The Council may choose to address the issue of prevention of sexual exploitation more systematically in the design of its peacekeeping operations and may request regular reports from all operations on this subject.

Underlying Problems

Although various actors have made efforts to implement resolution 1325, gender perspectives are still not systematically incorporated in planning, implementation, monitoring and reporting in the area of peace and security.

International humanitarian law (including rape as war crime) and human rights remain widely disregarded by parties to armed conflicts, and women and girls continue to be subjected to gender-based violence.

Progress on the implementation of resolution 1325 is slow also because of inadequate allocations of resources.



UN Documents

Security Council Resolutions

- S/Res/1325 (31 October 2000)

Presidential Statements

- S/PRST/2004/40 (28 October 2004)
- S/PRST/2004/32 (31 October 2002)
- S/PRST/2004/31 (31 October 2001)

Secretary-General's Reports / Letters

- S/2005/636 (20 October 2005)
- S/2004/814 (13 October 2004)
- S/2002/1154 (16 October 2002)

Historical Background

20 October 2005 The third report of the Secretary-General on the implementation of resolution 1325 was published.

13 October 2004 In his second report on women, peace and security, the Secretary-General acknowledged that gender perspective had been incorporated in policies and capacity activities, but he also deplored the fact that their impact on the ground had been too limited.

01 July 2004 A roundtable on peace support operations was organized by the NGO Working Group on Women, Peace and Security, and the Missions of Canada, Chile and the UK. The event led to the writing of a report with recommendations for drafting Council resolutions that include seeking more information related to women and gender, explaining why women's participation is important for the conflict being addressed, and supporting consultation with local women's groups.

27 January 2004 A roundtable brought together Council members as well as representatives from UN agencies and civil society organizations to discuss how to strengthen the Council's work in conflict prevention, the participation of women in peace and security, and the protection of civilians. This conceptual framework, known as "the three P's," was developed by the NGO Working Group.

31 October 2002 In a presidential statement, Council members expressed their concern

about the slow progress in the appointment of more women within the UN system.

16 October 2002 The first report of the Secretary-General on women, peace and security deplored that the impact of conflict on women and the role of women in peacebuilding were issues usually discussed in separate items. It called for their inclusion into Council's deliberations.

February 2001 The Inter-Agency Network Taskforce on Women, Peace and Security was set up to ensure the implementation of resolution 1325. It is chaired by the Special Adviser on Gender Issues and Advancement of Women whose Office (OSAGI) acts as its Secretariat. The Taskforce has 22 members and eight observers (UN agencies, intergovernmental bodies and the NGO working group).

31 October 2000 Resolution 1325 was adopted unanimously.

Useful Additional Sources

Inter-Agency Network on Women and Gender Equality (IANWGE), Task-Force on Women, Peace and Security
<http://www.un.org/womenwatch/ianwge/taskforces/tfwpsecurity2005.htm>

Women, Peace and Security at the UN
<http://www.un.org/womenwatch/osagi/wps/>

Canadian Ministry of Foreign Affairs, Initiative on Women, Peace and Security
http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/women_peace-en.asp

NGO Working Group on Women, Peace and Security <http://www.peacewomen.org/un/ngo/wg.html>

Burundi

Expected Council Action

Based on the report of the Secretary-General due 15 November, the Council will address the renewal and possible modification of the UN Operation in Burundi (ONUB), whose mandate expires on 01 December.

Members of the Council will also visit Burundi during their mission to Central Africa, scheduled in early November.

Key Facts

Politics in Burundi have been divided along ethnic Hutu-Tutsi lines since independence, and fighting broke out in 1993 along those lines. A long period of instability followed, especially after the air crash death of President Cyprien Ntaryamira in April 2004, and the ensuing ethnic violence. This air crash, of course, also signalled the beginning of the Rwanda genocide and ethnic violence in the Great Lakes region. ONUB was deployed in 2004.

Successful presidential elections were held this year but the forces nationales de libération (FNL, a major ethnic Hutu rebel group) did not participate and continue to pose a threat.

Rebels from Rwanda and the Democratic Republic of Congo have been involved in the conflict.

Rebel forces are believed to be present among displaced Rwandans seeking refuge in Burundi.

Economic reconstruction and development problems remain, despite reconstruction efforts by the UN and donor states.

Burundi and Rwanda have agreed to work on controlling flows of insurgents. Burundi has moved to repatriate Rwandan Hutu refugees, with the assistance of Rwanda.

Key Issues

The key issue is whether reduction in the size of ONUB at this time is premature and may produce incentives for spoilers to destabilise the situation.

Another issue, especially in light of the Secretary-General's specific mention of a peacebuilding commission in his 23 August 2005 report, may be the level of progress being made in the General Assembly on the establishment of such a commission as a new UN organ and whether Burundi may be a first candidate for consideration by such a body.

Council Dynamics

Some Council members expect pressure from the US to limit the cost of UN operations and thus reduce the size of ONUB. However, several members appear to be strongly committed to extending the mandate and

maintaining the current force size of ONUB because elections in August were so recent, and the region remains unstable. Unfolding events and information gathered during the visiting mission will also likely affect members' views. Furthermore, the EU and African Union (AU) have been committed to supporting development and security in Burundi. Council members belonging to either organisation are likely to translate this approach into their actions on the Council.

Options

A significant reduction in size of ONUB is a possible option but is unlikely as it could create incentives to destabilise Burundi, with possible consequences in the wider region. Another option that has been suggested is for the Council to renew the mandate of ONUB for only three or six months, and to review the situation again. This would permit the Council to assess regional stability and whether FNL rebels present a serious threat.

UN Documents

Security Council Resolutions
<ul style="list-style-type: none">S/RES/1602 (31 May 2005) extended the mandate of ONUB until 1 December 2005.S/RES/1545 (21 May 2004) established ONUB
Presidential Statements
<ul style="list-style-type: none">S/PRST/2005/19 (23 May 2005) welcomed the joint declaration by the Government and the FNL on the cessation of hostilities.S/PRST/2004/30 (15 August 2004) condemned massacre of over 150 refugees from the Democratic Republic of Congo.
Secretary-General's Reports / Letters
<ul style="list-style-type: none">S/2005/644S/2005/328
Other
<ul style="list-style-type: none">A/60/L.1 (20 September 2005) 2005 World Summit Outcome, pages 97-105

Historical Background

23 August 2005 Secretary-General Annan proposed a peacebuilding commission for Burundi to settle problems after the eventual withdrawal of ONUB.

19 August 2005 Pierre Nkurunziza was elected president.

28 February 2005 Referendum approved the Constitution.

01 November 2004 Constitution went into effect.

21 May 2004 Resolution 1545 created ONUB.

April 2003 The African Union deployed the African Mission in Burundi (AMIB).

July 2002 South African former president Nelson Mandela failed to broker a peace accord.

2001 President Pierre Buyoya agreed to ceasefire with Tutsi and Hutu insurgents.

1996 Buyoya staged successful coup.

1994 Cyprien Ntaryamira appointed President, but killed two months after taking office in air crash with Rwanda's president, which sparked a wave of political violence.

November-December 1993 Between 30,000 and 50,000 people killed in ethnic massacres.

October 1993 Melchior Ndadaye assassinated.

June 1993 Ndadaye elected president.

Other Relevant Facts

Secretary-General's Special Representative
Carolyn McAskie (Canada)
Force Commander
Major-General Derrick Mbuyiselo Mgwebi (South Africa)
Size
Current Strength: 5,625 total uniformed personnel (5,344 troops, 178 military observers and 103 civilian police) plus 330 international civilian personnel, 378 local civilian staff and 157 UN Volunteers
Troop Contributing Countries
Algeria, Bangladesh, Belgium, Benin, Bolivia, Burkina Faso, Chad, China, Egypt, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea, India, Jordan, Kenya, Kyrgyzstan, Malawi, Malaysia, Mali, Mozambique, Namibia, Nepal, Netherlands, Niger, Nigeria, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Romania, Russia, Senegal, Serbia and Montenegro, South Africa, Spain, Sri Lanka, Thailand, Togo, Tunisia, Uruguay, Yemen and Zambia
Cost
\$307.69 million

Central African Republic

Expected Council Action

The Security Council will consider the report of the Secretary-General on the Central African Republic (CAR), due by 31 October 2005.

Key Facts

Following a period of unrest in CAR that ravaged the country in the late 1990s, the Council initially authorised the Inter-African Mission to Support the Bangui Agreements (MISAB). Subsequently the United Nations Mission in Central African Republic (MINURCA) was established. MINURCA remained in CAR until 2000, and was followed by the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA).

The country experienced more violence; and a coup in 2003 by Francois Bozize. In May 2005, the country held an election, in which Bozize competed with ten other candidates and won. The election was observed by a mix of national and international observers and was declared by them to be free and fair.

Economically, despite hopes raised by progress made in achieving a degree of constitutional order, the country is experiencing serious problems, exacerbated by a recent flood.

There are also growing security problems related to the presence of armed gangs, especially in the north of the country. In addition, significant refugee flows have occurred in recent months. Thousands have fled from northern areas into neighbouring Chad.

Key Issues

Despite the UN's peacebuilding role and progress in the democratisation process, the situation in CAR is fragile.

The Council is again confronted with a situation in which, despite significant investment of UN resources, instability quickly reemerges during the peacebuilding phase. In the absence, as yet, of a Peacebuilding Commission, an issue for the Council will be whether it should again become more proactive.



UN Documents

Security Council Resolutions

- S/Res/1271 (22 October 1999) noted elections and extended mandate of MINURCA for a final period until February 2000.
- S/Res/1201 (15 October 1998) welcomed announcement of elections and extended MINURCA mandate.
- S/Res/1159 (27 March 1998) established MINURCA.
- S/Res/1125 (06 August 1997) authorized Inter-African Mission to monitor the implementation of the Bangui Agreements (MISAB) peacekeeping

Presidential Statements

- S/PRST/2005/35 expressed concern about the deterioration of security and the worsening humanitarian situation.
- S/PRST/2001/25 requested the Secretary-General to regularly inform the Council on CAR and welcomed BONUCA.
- S/PRST/2000/5 welcomed the Secretary-General's decision to establish BONUCA.

Selected Secretary-General's Reports / Letters

- S/2005/414 described the electoral process and the continuing problems

Historical Background

May 2005 Former coup leader Francois Bozize is elected president.

March 2003 Bozize successfully staged a coup.

February 2000 BONUCA political and peacebuilding mission commenced.

February 2000 Mandate of MINURCA expired.

27 March 1998 MINURCA deployed in CAR.

06 August 1997 Council authorized MISAB forces to intervene in CAR at the request of Patasse.

Other Relevant Facts

Special Representative of the Secretary General
Lamine Cisse (Senegal)
Size and Composition of Peacebuilding Support Office
Strength as of 30 June 2005: 24 international civilians, 5 military advisers, 6 civilian police, 44 local civilians and 1 UN volunteer

Bosnia and Herzegovina

Expected Council Action

Reauthorisation of the European Union Force in Bosnia and Herzegovina (EUFOR) is expected before 01 December, when its mandate expires. The Council is also likely to encourage ongoing efforts for police reform. It may also address the need to arrest those indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) who still remain at large.

Key Facts

EUFOR is the successor to NATO-led multinational forces that had been providing since late 1995 a secure environment for the implementation of the Dayton Accords. That agreement also established the post of the High Representative to oversee the civilian aspects of Dayton. Since late 1995, the Secretary-General has provided the Council with regular reports from the High Representative, whose next report is expected in November. Bosnia remains stable and, at this point, a rollover of the current authorisation seems widely accepted.

Key Issues

At issue is whether the Council should press Bosnia further on police reform and address the failure in Bosnia and Herzegovina's Republika Srpska to fully cooperate with the ICTY.

The ICTY's chief prosecutor, Carla del Ponte, in a June address to the Council explained, "as long as Radovan Karadzic, Ratko Mladic and Ante Gotovina manage to escape justice and defy the international community, the work of this Tribunal will remain unfinished." At the same meeting, Judge Theodor Meron, president of the ICTY said, "the Security Council has played a critical role

by using its power and prestige to resist impunity, to establish individual criminal responsibility for perpetrators of atrocities... The Council has the power and the responsibility to do all it can to advance those goals."

Council Dynamics

The Council will need to balance its willingness to wrap up the work of ICTY with its desire to ensure that the most prominent war crimes indictees are brought to justice. In particular, the European members of the Council will want full cooperation with ICTY before they can engage in steps leading toward closer integration of the Balkans with the rest of Europe. They are also particularly concerned about police reform. The US has been eager to see the tribunal finalise its operations by the given deadlines. Other Council members see a tension between that objective and the continued freedom of the key perpetrators.

Options

The Council may opt for a more active approach to non-cooperation with the ICTY. In resolution 1534, the Council in March 2004 urged "the necessity of trial of persons indicted by the ICTY" and reiterated its call "on Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY." To the extent this call has fallen on deaf ears, the Council may feel it is necessary to take a stronger stand.

Underlying Problems

The Security Council's "Completion Strategies" called for the end of ICTY trial activity by the end of 2008 and all work by 2010. In June, Meron estimated that the ICTY could complete the trials of all accused in its custody at the time by 2009 and warned that the growth of the trial docket could further hinder its ability to meet even that target.

UN Documents

Security Council Resolutions

- S/RES/1575 (22 November 2004) authorized EUFOR.
- S/RES/1534 (26 March 2004) reaffirmed completion strategies for the ICTY and ICTR (International Criminal Tribunal for Rwanda).
- S/RES/1503 (28 August 2003) set completion strategies for the tribunals.

Secretary-General's Reports / Letters

- S/2005/440 (07 July 2005) Second three-monthly report on EUFOR
- S/2005/226 (05 April 2005) First three-monthly report on EUFOR
- S/2005/156 (10 March 2005) Twenty-seventh report of the High Representative on Implementation of the Peace Agreement

Historical Background

01 December 2005 EUFOR authorization will expire.

02 December 2004 EUFOR was launched.

01 January 2003 European Union Police Mission (EUPM) took over from the United Nations Mission in Bosnia and Herzegovina (UNMIBH).

31 December 2002 UNMIBH was terminated.

21 December 1996 The UN Stabilisation Force (SFOR) succeeded the UN Implementation Force (IFOR).

21 December 1995 The Council established the UN International Police Task Force and the UNMIBH.

20 December 1995 United Nations Protection Force (UNPROFOR) withdrew, and IFOR was deployed.

14 December 1995 Dayton Accords were signed.

11 October 1995 Fighting in Bosnia and Herzegovina ends.

July 1995 Srebrenica massacre took place.

25 May 1993 Council established the ICTY.

1991 War broke out in the former Yugoslavia.

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