



# SECURITY COUNCIL REPORT

## MONTHLY FORECAST

### DECEMBER 2005



This report is available online and can be viewed together with Update Reports on developments during the month at [www.securitycouncilreport.org](http://www.securitycouncilreport.org)

#### Welcome to the second Monthly Forecast Report from Security Council Report

Our first *Monthly Forecast Report* covered the month of November. It was supplemented during the month by two Update Reports:

- Ethiopia/Eritrea
- Liberia

These were published on our website [www.securitycouncilreport.org](http://www.securitycouncilreport.org):

This issue previews the month of December. The United Kingdom, represented by Ambassador Sir Emyr Jones Parry, will have the Presidency.

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#### Overview for December

A short month beckons in December. Delegations will be looking forward to the end of 2005, after several months of particularly torrid Security Council activity.

As the Council faces up to its work programme for December, there are some very big issues in prospect, like the next report from UNIIC Commissioner Detlev Mehlis on the Hariri assassination and the major issue of **Syria's cooperation under resolution 1636**.

But, what is noteworthy is the backlog of hard issues from November which are still on the agenda.

A resolution on Ethiopia/Eritrea was adopted on 23 November. Under the terms of the resolution, the Council will review the parties' compliance upon a report of the Secretary-General to be issued in December. In the event of failure to fulfil those demands, the Council is expected to consider measures under article 41 of the Charter, which includes sanctions.

The resolution follows a period of real frustration amongst troop contributing countries (TCCs) about the Council's failure to adopt a draft resolution earlier in November, in support of its beleaguered peacekeepers on the border of Ethiopia/Eritrea. The limitations imposed on UNMEE movements by Eritrea are proving not only to be serious operational restrictions on the mandate, but also, as predicted by the TCCs, to carry real risks to human life. Medical evacuations now have to be undertaken in very adverse circumstances. A resolution had been on the table for almost a month, but had been blocked by US policy considerations.

Similarly, the Council is still to respond to the findings of its Mission to central Africa. Many had considered that a resolution on **DRC** should be an essential outcome from the visit to the region. The Mission report has been issued and a draft resolution has been circulating, but it seems likely to rollover to December for adoption.

Another issue which had seemed well advanced for adoption in November was agreement on the application of sanctions measures on individuals blocking the peace

process in **Côte d'Ivoire**. However, the sanctions committee has still not acted. Separately, there is growing anxiety about the situation in Côte d'Ivoire because the requirement in resolution 1633 for the appointment of a compromise Prime Minister by 31 October 2005 has not been met. It seems likely that these two aspects of the situation in Côte d'Ivoire could come together for action in December.

Fortunately there was some good news in November. In **Haiti** the much postponed electoral process was reenergised by the announcement of a date for first round elections on 27 December. The Council may wish to welcome and encourage this important step. Members will certainly be keeping a close eye on progress in the lead up to the poll.

Another positive point on the December agenda is the final expiry of the peace-keeping role in **Sierra Leone** and the official transition to a peacebuilding mission. It is possible that the Council will want to adopt a statement marking this important development.

December also brings with it the expiry of the mandates of two very long standing peace-keeping operations:

- In **Cyprus**, the mandate for UNFICYP expires on 16 December
- On the **Golan Heights**, the mandate of UNDOF expires on 31 December.

Both operations are characterised by the fact that the political processes are stalled. And there have been calls by Council members concerned about overall expenditure on peacekeeping for review of peacekeeping operations in such circumstances. But it is expected that resolutions renewing both operations will be adopted. In the case of UNDOF, however, renewal comes at a time of particular sensitivity due to the pressure which the Council is placing on Syria. And in the case of UNFICYP some discussion of further reductions or reconfiguration of the force cannot be ruled out.

The Council members have already begun work on a draft resolution on the **protection of civilians in armed conflict**. This is one of the major thematic issues which the Council has been pursuing. In this case the initiative goes back more than six years. The draft resolution should be largely uncontroversial. Even the references to “Responsibility to Protect” are essentially taken from language already approved by Heads of Government at the World Summit in September. What the draft does not do is grapple with the practical implementation of protection standards. There were some important recommendations by the Secretary-General in his 1999 report in this regard, which may merit revisiting.

Other issues which will be in the minds of Council Members during December include the situation in **Darfur**, which the Secretary-General says is becoming more serious and that the whole territory risks descending into lawlessness, and the situation in **Guinea-Bissau**, which Brazil is pressing for the Council to take up.

The Council will also have on its plate a range of problems in the **Sanctions** and **Counter-Terrorism** contexts. Sanctions issues are on the table in respect of **Liberia**. A review of the **Counter-Terrorism Executive Directorate (CTED)** is mandated before the end of the year—but due to delays in CTED

becoming operational—it is unlikely to be the “comprehensive” review envisaged. In addition, the open debate in the Council in October demonstrated that countries from various regions (the South Pacific was a noticeable example) are frustrated with what they see as the CTC machinery putting undue burdens on them and not giving sufficient weight to their concerns.

Finally, there are issues on the horizon which may come up in December or may roll over to January—depending on pressure of other business and when reports become available. These include **Timor-Leste** and the United Nations Mission in **Sudan**.

## Lebanon/Syria

### Expected Council Action

On 15 December, the next report of the UN International Independent Investigation Commission (UNIIC) on the assassination of former Prime Minister of Lebanon, Rafik Hariri, is due.

But, based on media reports about ongoing difficulties which UNIIC Commissioner Detlev Mehlis is encountering in securing reasonable cooperation by Syria, we expect that the Council will take up the issue of compliance with resolution 1636 before 15 December.

Further extension of the UNIIC mandate is also expected.

The Council is also expected to endorse the conclusions of the Roed-Larsen report on the implementation of resolution 1559.

### Key Facts

On 31 October, the Council adopted resolution 1636 establishing a targeted sanctions’ regime (travel ban and asset freeze) against individuals to be designated as suspects in the Hariri assassination. It also decided under Chapter VII that Syria must fully cooperate with UNIIC. The resolution, adopted unanimously, signalled a firm expectation that Syria should cooperate promptly and substantively. There was a clear threat of “further action” if the requirements of the resolution were not met.

The Resolution specifies that the initiative, both in terms of implementing the individual

sanctions and triggering further Council consideration now lies with Mehlis. UNIIC is requested to report to the Council at any time if Mehlis considers Syrian cooperation does not meet the requirements of resolution 1636. And Mehlis can also, under paragraph 3 of that resolution, at any time designate an individual as a suspect and report them to the Sanctions Committee, which has very short timelines for consideration of the issue.

At press time, Syria has still not complied with UNIIC’s request that six Syrian officials should be presented for interview in Beirut.

In a speech on 10 November, the President of Syria Bashar al-Assad seemed to be signalling that Syria would not bow to the request from UNIIC. Syria appears not to accept that it has a binding obligation under resolution 1636 to cooperate with UNIIC on terms set by UNIIC and that Damascus is not in a position to establish conditions. However, President Assad’s speech did not completely exclude cooperation. A Syrian letter circulated to the Security Council (S/2005/717 of 15 November 2005) is also somewhat ambiguous. It reiterates a willingness to cooperate but it is unclear if this means cooperation in substance.

Nevertheless, at press time Mehlis had still not reported Syria to the Council for non-cooperation under paragraph 13 of resolution 1636.

There have been media reports that suggest Mehlis may not have completely ruled out the possibility of interviewing Syrian officials in a third country.

With respect to the separate issues dealt with in resolution 1559, the second semi-annual report on the implementation of resolution 1559 was released on 24 October. UN Envoy Terje Roed-Larsen indicated that a progressive approach to the disarmament of the militias by the Lebanese government should be seen as satisfactory, but mentioned the transfer of weapons and personnel between Syria and Lebanon in connection with Palestinian militias as a problem.

### Key issues

A key issue at this time is whether, despite the defiant tone of President Assad’s speech, there is actually a prospect of a

compromise being worked out which is satisfactory to Mehlis.

A related issue, which may require Council consideration and authorisation if Mehlis is considering interviews in a location other than Lebanon, is the legal framework that would apply, especially if the interviews led to a decision that criminal charges were justified.

The major long term issue for the Council will be the degree of Syrian responsibility in the assassination as opposed to the criminal responsibility of individuals.

Finally, with respect to resolutions 1595 and 1636, it is likely that the Council will need to consider the nature of the trials of the perpetrators. It seems increasingly accepted that international assistance will be sought by the Lebanese authorities.

And regarding resolution 1559, there could be an issue as to whether to take up this matter at all and, if so, whether as a resolution or a statement.

### Council Dynamics

Those Council members most determined to hold Syria to its obligations under resolution 1636 are concerned that it might dilute the focus of Council attention if the Roed-Larsen report is taken up at this time. They believe that the Council energy should be concentrated on the priority issue. Others agree that while the report does not need to be considered immediately, it should not be allowed to become stale. And they point out that taking up discussion of the issue is another point of pressure on Syria.

It remains to be seen whether the Council will adopt something in December. On balance, because it will definitely have become stale if it is allowed to roll over to January, there is an expectation of action before the end of the year.

The Council dynamics on resolution 1636 remain muted. Because it was adopted unanimously, as was resolution 1595, there is now a pattern of united Council action which most members will want to retain. Also, another reason for the muted atmosphere is that the Council has effectively empowered Mehlis until 15 December to determine both the substance and the

pace of events. Members are therefore waiting for his conclusions.

Of course, the underlying tensions remain between those members who will insist on full cooperation by Syria and those who, because of traditional policy reluctance to contemplate enforcement measures and because of concerns in this case about the stability of Syria, would counsel a more gradual approach.

### Options

If Mehlis reports that cooperation is potentially achievable, it is likely that his report will canvass various options or recommendations for the Council.

If he reports that satisfactory cooperation is not achievable, the Council will inevitably be presented with a draft resolution imposing sanctions on Syria. There are a range of possible options:

- Full scope economic sanctions, of the sort imposed on Iraq under resolution 661, are an option. But because of the inevitable hardships on the civilian population there will be resistance to imposing this kind of enforcement measure for a violation—albeit a very serious one—of a resolution requiring compliance with procedural requirements. Such a measure might however be seen as justified if Syria were conclusively determined to have state responsibility for the assassination.
- A more targeted set of sanctions aimed at the regime and the institutions of the state is another option. The precedents in the Libya case are likely to be looked at very closely
- Another option is a stepped process, involving the imposition of certain targeted sanctions coupled with the establishment of a mechanism—separate from the criminal investigation—to follow on from the UNIIIC once criminal indictments are issued and the evidence is available—to assess and report to the Council on issues of state responsibility under international law—in particular resolution 1373.
- It is possible also that the mix of options will include decisions to be taken by Council members, in their capacities as members of the Sanctions Committee, in the event that Mehlis designates Syrian officials as suspects.



## UN Documents

### Security Council Resolutions

- S/RES/1636 (31 October 2005) urged Syria to cooperate with the investigation and established sanctions against suspects in the assassination.
- S/RES/1618 (4 August 2005) on terrorism
- S/RES/1595 (7 April 2005) established UNIIIC.
- S/RES/1559 (2 September 2004) on the Syrian withdrawal

### Presidential Statements

- S/PRST/2005/26 (22 June 2005)
- S/PRST/2005/22 (7 June 2005)
- S/PRST/2005/17 (4 May 2005)
- S/PRST/2005/4 (15 February 2005)

### Secretary-General's Reports / Letters

- S/2005/673 (26 October 2005) transmission of the Roed-Larsen report on the implementation of resolution 1559
- 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 (1 October 2004)

### Other

- S/2005/717 (15 November 2005) letter from Syria regarding its cooperation with UNIIIC
- A/60/555-S/2005/715 (14 November 2005) letter from Lebanon
- S/2005/693 (1 November 2005) letter from Syria
- A/60/409-S/2005/627 (4 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 (1 September 2004) letter from Syria
- A/58/879-S/2004/699 (31 August 2004) letter from Lebanon

## Historical Background

31 October 2005 The Council unanimously adopted resolution 1636.

29 October 2005 Following the recommendations made by Detlev Mehlis when he briefed the Council, Syria created a special judicial commission to deal with all matters relating to the mission of UNIIC.

26 October 2005 The second semi-annual report of the Secretary-General on implementation of resolution 1559 became public.

20 October 2005 The initial report of UNIIC was published and its mandate was extended until 15 December. The report deplored the lack of Syrian cooperation with the commission and revealed that the assassination could not have occurred without the knowledge of Lebanese and Syrian security services.

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

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 confirmed the withdrawal of Syrian troops, apparatus and assets from Lebanon. The Secretary-General dispatched a UN mission to verify.

7 April 2005 Resolution 1595, passed unanimously, established UNIIC, 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 from 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.

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

2 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 Russian Federation).

## Other Relevant Facts

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| <b>UN Special Envoy for Verification of the Implementation of resolution 1559</b>  |
| Terje Roed-Larsen (Norway)   |
| <b>UNIIC Commissioner</b>  |
| Detlev Mehlis (Germany)  |
| <b>Size and Composition of Commission</b>  |
| 129 members, including active investigators, translators, security guards, drivers and administrators of 14 different nationalities. The staff are UN employees.                                     |
| <b>Funding</b>   |
| The funding comes from the regular budget and was approved by the Advisory Committee on Administrative and Budgetary Questions (GA).   |
| <b>Appointment process</b>   |
| 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. |
| <b>Activities</b>  |
| The modalities of cooperation with the Lebanese government are defined in a Memorandum of Understanding between Lebanon and the UN.  |

## Ethiopia/Eritrea

### Recent Developments

The Council adopted resolution 1640 on 23 November, demanding that Eritrea lift the restrictions imposed against the UN Mission in Ethiopia and Eritrea (UNMEE) and that both parties redeploy their troops. The Secretary-General is expected to report on the parties' compliance in December. The Council will then consider measures under article 41 of the Charter if the parties fail to comply. Demands on Ethiopia to allow demarcation of the common border are also

made, but they are not under the article 41 threat.

### Expected Council Action

We expect that the Council will revisit the situation in December upon receipt of the report of the Secretary-General. Should Eritrea fail to lift the restrictions against UNMEE and both parties fail to redeploy troops, we expect that the Council will seriously consider sanctions under article 41 of the Charter, including possibly revamping the arms embargo.

### Key Facts

From 1998 to 2000, Ethiopia and Eritrea fought over border territories. The conflict ceased with the Algiers Agreement in December 2000, after international pressure including an arms embargo imposed by the Council, which was subsequently lifted. The Council entrusted UNMEE with, *inter alia*, monitoring the Temporary Security Zone (TSZ), a buffer area along the border. The Agreement stipulated a final and binding decision from an independent Boundary Commission. This was handed down in April 2002.

The peace process has been stalled since 2003, when Ethiopia refused to allow demarcation of the border. Ethiopia demanded that the line be varied to take into account "human and physical geography". It has since stated that it accepts the decision "in principle", while it requests review of certain locations, especially the town of Badme and the region of Irob. Addis Ababa faces increasing pressure from domestic constituencies not to concede any more territory to Eritrea. The country has also stressed that further issues need to be addressed, such as Ethiopia's access to the sea.

In October, Eritrea introduced limitations on the movement of UNMEE personnel. The restrictions (i) violate agreements with Ethiopia, (ii) endanger the lives of peacekeepers, thus raising concerns among troop contributing countries (TCCs), and (iii) restrict UNMEE's ability to monitor the TSZ and adjacent areas.

Eritrea has stood firmly against any special envoys to the region or contacts with Ethiopia, which it perceives as tantamount to compromising on immediate demarcation. It has also voiced strong criticism of the

Council for not robustly enforcing the Commission's decision.

Troop movements along the border on both sides have been reported, as well as violations of the TSZ. Much to the concern of TCCs, further instances of risky evacuations by road have been necessary due to Eritrea's ban on the use of helicopters.

The Council issued a Press Statement on 3 November, and it sent to the region Ambassador Kenzo Oshima of Japan from 6 to 9 November. The visit was not able to secure any reduction in the restrictions on UNMEE, nor was it able to reduce tensions. But it cemented consensus on the current sanctions threat against Ethiopia and Eritrea.

### Key Issues

The Council still faces the need to apply effective pressure on the parties, including sanctions, should they fail to comply. A looming issue will also be the demarcation of the border. An aspect of this issue is the extent to which the Council is perceived to be acting with an even hand.

### Council Dynamics

Achieving agreement has eluded the Council for almost a month largely due to US policy positions. However, a growing consensus on the issue has nonetheless been emerging in the past few days, and this is reflected in the resolution recently adopted.

Negotiations sought to balance between demanding Ethiopia's compliance with the delimitation decision on the one hand, and, on the other, emphasising that Eritrea's restrictions must be condemned and cannot be used as a bargaining tool. Eritrea's present stance is seen by many Council members as highly dangerous and counterproductive.

### Options

Possible options before the Council include:

- Reactivating sanctions against both parties;
- Sponsoring a more intimate involvement of the "witnesses" to the Algiers Agreement (African Union, EU, UN and US); and, as a last resort,
- Downsizing or withdrawing UNMEE.

### Underlying Problems

The war had a deep impact on civilians, and its humanitarian effects are still felt on the ground. Frequent drought and food insecurity continue to inflict a heavy toll on populations in both countries.

The Boundary Commission found in July 2002 that Ethiopia had settled nationals in territory awarded to Eritrea, and ordered Ethiopia to remove such settlements. Ethiopia has failed to comply with the Order.

### UN Documents

#### Security Council Resolutions

- S/Res/1640 (23 November 2005) threatened sanctions.
- S/Res/1622 (13 September 2005) further adjusted UNMEE.
- S/Res/1560 (14 September 2004) adjusted UNMEE's presence and operations.
- S/Res/1320 (15 September 2000) increased UNMEE to 4,200 and authorised it to monitor the TSZ, *inter alia*.
- S/Res/1312 (31 July 2000) established UNMEE.
- S/Res/1298 (17 May 2000) established an arms embargo and a Sanctions Committee.

#### Presidential Statements

- S/PRST/2005/47 (4 October 2005) urged Eritrea to lift restrictions.
- S/PRST/2001/14 (15 May 2001) noted the termination of the arms embargo.

#### Reports of Security Council Missions to Ethiopia and Eritrea

- S/2002/205 (27 February 2002)
- S/2000/413 (11 May 2000)

#### Secretary-General's Reports

- S/2005/553 (30 August 2005) and Add.1 (6 September 2005) is the latest report.
- S/2005/142 (7 March 2005) details steps necessary to finalise demarcation.
- S/2004/708 (2 September 2004) proposed adjustments to UNMEE.
- S/2003/1186 (19 December 2003) details Ethiopia's refusal to allow demarcation and has responses from Eritrea and the Commission.
- S/2003/257 (6 March 2003) and Add.1 (31 March 2003) details the Ethiopian interpretation of the demarcation process and the Commission's views.



- S/2000/785 (9 August 2000) reported on the new size and mandate for UNMEE.

#### Press Statements

- SC/8547 (3 November 2005) by the President of the Council
- SG/SM/10198 (2 November 2005) by the Secretary-General

#### Other

- S/2005/723 (17 November 2005) is the report of Ambassador Oshima's mission.
- S/2005/688 (31 October 2005) is a letter from the President of Eritrea

### Historical Background

*October 2005* Eritrea imposed restrictions on UNMEE's movement.

*February 2005* Boundary Commission closed down Field Offices.

*September 2004* UNMEE downsized.

*September 2003* Ethiopia refused to allow the full demarcation of the border.

*April 2002* Boundary Commission ruling handed down.

*December 2000* Algiers Agreement signed.

*July 2000* UNMEE established.

*June 2000* Ceasefire signed; TSZ established.

*1999* The conflict escalated to full-fledged war. Both parties accepted the Framework Agreement.

*1998* Eritrea took over Badme; battle ensued.

*1993* Eritrea became independent.

*1962* Ethiopia annexed Eritrea; fighting began.

*1952* Eritrea and Ethiopia formed a federation following UN General Assembly Resolution 390 (V).

## Other Relevant Facts

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| <b>Special Representative of the Secretary-General and Chief of UNMEE</b>  |
| Legwaila Joseph Legwaila (Botswana)  |
| <b>Size and Composition of UNMEE</b>   |
| <i>Authorised maximum strength:</i> 4,200 troops.<br><i>Strength as of 31 August 2005:</i> 3,293 military personnel.<br><i>Troop contributing countries:</i> Algeria, Austria, Bangladesh, Bosnia and Herzegovina, Bulgaria, China, Croatia, Czech Republic, Denmark, Finland, France, Gambia, Germany, Ghana, Greece, India, Iran, Italy, Jordan, Kenya, Malaysia, Namibia, Nepal, Nigeria, Norway, Paraguay, Peru, Poland, Romania, Russian Federation, South Africa, Spain, Sweden, Switzerland, Tanzania, Tunisia, Ukraine, United States, Uruguay and Zambia. |
| <b>Cost</b>  |
| Approved budget: 1 July 2005 - 30 June 2006: \$185.99 million (gross)  |
| <b>Duration</b>  |
| 31 July 2000 to present  |

## Cyprus/UNFICYP

### Expected Council Action

On 15 December 2005, the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) will expire, and the Council is expected to renew the mandate for an additional six months.

### Key Facts

Following several months of good offices by the Secretary-General, including a three-phase process of negotiations between the Turkish Cypriots and the Greek Cypriots, the "Foundation Agreement of the Comprehensive Settlement of the Cyprus Problem" proposed by the Secretary-General, was submitted to separate simultaneous referenda on 24 April 2004. The plan called for a bi-zonal, bi-communal independent state and required approval on both sides to enter into force. While the Turkish Cypriots widely voted in favour of the settlement proposal, the Greek Cypriots rejected it, subsequently entering the European Union as a divided island. The Secretary-General's good offices ended as a result of this stalemate.

The negotiation process remains stalled. Urged by the Secretary-General, the Greek Cypriots in May 2005 presented their position on what should be altered in the Annan plan. Sir Kieran Prendergast, then Under-Secretary-General for Political Affairs, said in June that a big gap between the two communities remained.

On 3 October 2005, Turkey began accession talks with the European Union.

The September 2004 report of the Secretary-General led to a modification of the size, composition and conception of UNFICYP. Its political and civil affairs branch was expanded. The military force was reduced and the military concept of operations was recast as "concentration with mobility."

### Key Issues

The only immediate issue for Council Members is whether the size of UNFICYP should be further diminished and the concept of operation further reshaped.

### Council Dynamics

Some Council members believe that UNFICYP should remain as long as Cyprus is divided. Others consider that with the reduced risk of conflict, an additional reduction of its military component is possible. Supporters of the status quo will argue that the military component cannot be further downsized without altering the mandate.

The United States has expressed strong interest in eliminating peacekeeping forces where the violence levels are low but the negotiating process is stalled. It remains to be seen whether the United States will advance UNFICYP as a candidate for its proposed review process.

Another important aspect of the Council dynamic will be that Greece, which has traditionally been a very strong supporter of the Greek Cypriot position, is a Council member through 2006. Russia also leans to the Greek Cypriot position, and this forms a stronger than usual lobby in the Council in support of the status quo.

### Options

Council Members might consider the option of modifying the mandate of UNFICYP in order to replace the troops with military observers.

Another option which might be a possible compromise between those who want to retain UNFICYP at current levels and those who are keen to see some incentives for further progress in negotiations might be for the Council to reactivate the recommendation by the Secretary-General in his 28 May 2004 report that the Council should address the issue of the "unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development."

### Underlying Problems

The parties now face the reality that the Turkish Cypriots will not easily be persuaded to renegotiate a plan that they have already approved by referendum. Accordingly, a new process of negotiation remains to be found.

In time, it is likely that it will fall to the United Nations to find ways to bring the parties back to the negotiating table. However, the Secretary-General is reluctant to commit resources to the issue until the parties give him some grounds for confidence that there is real commitment to the process.

Increasingly, it seems that without an ongoing peace process, support for UNFICYP will likely erode further over time.

### UN Documents

#### Selected Resolutions

- S/RES/1604 (15 June 2005)
- S/RES/1568 (22 October 2004) endorsed the recommended changes to the concept of operations and force level of UNFICYP.
- S/RES/1548 (11 June 2004) welcomed the Secretary-General's intention to conduct a review of the UNFICYP mandate.
- S/RES/1251 (29 June 1999) expressed concern about the military build-up on both sides.
- S/RES/939 (29 July 1994) requested the Secretary-General to start consultations.
- S/RES/550 (11 May 1984) further condemned Northern Cyprus.
- S/RES/541 (18 November 1983) invalidated the creation of the Turkish Republic of Northern Cyprus.
- S/RES/186 (4 March 1964) established UNFICYP.

#### Most recent Secretary-General's Reports on UNFICYP

- S/2005/353 (27 May 2005)
- S/2004/756 (24 September 2004) recommended a review of the mandate, force levels and concept of operations of UNFICYP.
- S/2004/427 (26 May 2004)
- S/2004/302 (16 April 2004)

**Most recent Secretary-General's Reports on his Mission of Good Offices in Cyprus**

- S/2004/437 (28 May 2004)
- S/2003/398 (1 April 2003)

**Other**

- S/PV.5211 (22 June 2005) Briefing to the Council by Kieran Prendergast on the situation of the negotiation process in Cyprus

**Historical Background**

*3 October 2005* Turkey's accession negotiations to the EU began.

*30 May 2005* With the aim of examining the possibilities for the resumption of a new dialogue on the Cyprus issue, Prendergast went to Cyprus. He briefed the Council on his conclusions on 22 June.

*1 May 2004* The Republic of Cyprus, without its Turkish northern part, joined the EU.

*24 April 2004* The Annan Settlement Plan on uniting the island was subject to a twin-referendum. The Turkish north accepted the plan by 64.9% while the Greek south rejected it by 75.8%.

*April 2003* The cross island's dividing "green line" opened.

*November 2002* Secretary-General Kofi Annan presented a comprehensive peace plan for Cyprus that envisaged a federation with two constituent parts, presided over by a rotating presidency.

*January 2002* Cyprus President Glafcos Clerides, and the leader of Turkish Cypriots, Rauf Denktash, began UN-sponsored negotiations to reunify the island.

*1983* Foundation of the Turkish Republic of Northern Cyprus was self-proclaimed and immediately declared illegal by the Council in resolution 541 (1983).

*1974* A coup d'état by the Greek army officers stationed on the island overthrew the president of Cyprus. A subsequent Turkish military intervention led to a division of Cyprus into a Turkish Cypriot north and a Greek Cypriot south.

*4 March 1964* Resolution 186 established UNFICYP with a mandate to prevent a recurrence of fighting between the Greek Cypriot and Turkish Cypriot communities.

*1963* Constitutional rule in Cyprus collapsed in the wake of intercommunal strife.

*1960* Republic of Cyprus founded by the Turkish and Greek communities who shared power.

**Other relevant facts**

**Special Representative of the Secretary-General and Chief of Mission**

- Michael Møller (Denmark)

**Force Commander**

Major-General Herbert Joaquín Figoli Almandos (Uruguay)

**Size and Composition of Mission**

- 1,008 total uniformed personnel, including 949 troops and 59 police; supported by 36 international civilian personnel and 110 local civilian staff
- Major troop contributors: UK, Argentina, Slovakia, Hungary

**Cost (approved budget)**

- 1 July 2005 - 30 June 2006: \$46.51 million (gross), including voluntary contributions of one-third share from Cyprus and \$6.5 million from Greece

**Protection of Civilians in Armed Conflict**

**Expected Council Action**

The Council will hold an open briefing and is expected to adopt a third resolution on strengthening and enhancing the protection of civilians in armed conflicts which will pick up the language approved by Heads of Government at the September World Summit on responsibility to protect civilians. A report of the Secretary-General is due 28 November. An Arria formula briefing was hosted by the UK on 22 November 2005.

**Key Facts**

The growing need for enhanced protection of civilians in armed conflict was first addressed in detail in the report of the Secretary-General on the causes of conflict in Africa (S/1998/318 of 13 April 1998). The Secretary-General observed that a deterioration of the respect for international humanitarian norms had led in the preceding years to targeting civilians



and also relief workers, thereby dramatically worsening their conditions in conflict situations. Therefore, he identified protecting civilians as a "humanitarian imperative". At the initiative of Canada, the issue of the protection of civilians in armed conflict was first introduced to the Security Council on 12 February 1999. Following an open briefing, a presidential statement was adopted, requesting the Secretary-General to submit a report giving the Council insights on how it could improve the physical and legal protection of civilians. To date, the Secretary-General has issued four reports and the Security Council, in addition to holding semi-annual open briefings, has adopted two resolutions and six presidential statements.

Resolution 1265 of 17 September 1999 expressed concerns about the erosion in respect for humanitarian, human rights and refugee law and principles in armed conflict and strongly condemned deliberate targeting of civilians. It expressed Council's willingness to respond through the consideration of appropriate measures to situations of conflicts where civilians were targeted and humanitarian assistance was deliberately obstructed. Resolution 1296 of 19 April 2000 reaffirmed Council's concerns, affirmed its intention to ensure that peacekeeping missions be given suitable mandates and adequate resources to protect civilians under immediate threat of physical danger, and focused on several operational areas of protection. It also requested the Secretary-General to bring to its attention situations in which civilians were particularly vulnerable and to address issues related to the protection of civilians in his periodic reports on the matters with which the Council was already seized.

In 2002, Norway, at the time an elected Council member, led the way in preparing in consultation with the Secretariat, an aide memoire that highlighted specific issues for consideration in addressing protection of civilians in armed conflict as well as listed previous Council resolutions and statements

with reference to similar concerns. The document was adopted as an annex to a presidential statement and was meant as a practical tool assisting the Council in analysing and diagnosing protection issues as well as in drafting resolutions and designing peacekeeping mandates.

In December the Council, under the UK presidency, will consider a third resolution on the protection of civilians in armed conflict. The text, a draft of which is already being circulated, will take up the language of the 2005 World Summit Outcome Document with its provisions regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It is also expected to emphasize the unacceptability of impunity for such crimes; to condemn in strongest terms sexual and all other forms of violence against women and children in situations of armed conflict; and to deplore all acts of sexual exploitation, abuse and trafficking by personnel involved in UN operations.

### Key Issues

One of the main issues for the Council has been not so much the adoption of generic lofty statements, but the practical challenge of systematically incorporating the principles related to protection of civilians from resolutions 1265 and 1296 in country-specific resolutions and in peacekeeping activities and changing the realities on the ground. The record has been mixed, though, increasingly, the Council has been including provisions ensuring the protection of civilians in designing new mandates or modifying old ones. However, much remains to be done to consistently implement those provisions.

### Council Dynamics

There is a broad consensus about the necessity to enhance protection of civilians in armed conflict, and the need for better implementation of Council resolutions on this matter. The lead supporters among current Council members have been the UK, France, Argentina, Benin, Denmark, Japan and Tanzania.

### Options

There is a general agreement that a third resolution on the theme needs to be adopted.

- One option is to simply reiterate and update the previous texts and debates.

- However, a second option, reflected in the draft that is circulating, is for the Council to be more assertive with regards to particular fields of concern: respect for international humanitarian law, condemnation of sexual abuse against women and children, need for addressing sexual abuse by members of UN field operations, necessity to ensure safe access to conflict areas for humanitarian personnel, strengthening of DDR processes and, possibly, the use of force to protect civilians, drawing upon the concept of responsibility to protect.
- A third option is for the Council to revisit the recommendations of the Secretary-General in paragraphs 60-63 of his 1999 report which were not taken up at that time and which specifically address the issue of implementation in the field.

### Underlying Problems

Despite significant progress to protect civilians since this issue first was raised by the Council, there is still a wide gap between the rhetoric and the actual ability of the Council to ensure that peacekeeping missions and UN agencies implement specific provisions to effectively protect civilians.

The absence within the UN system of standardised operational doctrine to disseminate to peacekeeping units the protection of civilians standards is a major problem.

### UN Documents

| Resolutions   |
|---|
| <ul style="list-style-type: none"> <li>• S/RES/1296 (19 April 2000)</li> <li>• S/RES/1265 (17 September 1999)</li> </ul>  |
| Presidential Statements   |
| <ul style="list-style-type: none"> <li>• S/PRST/2005/25 (21 June 2005)</li> <li>• S/PRST/2004/46 (14 December 2004)</li> <li>• S/PRST/2003/27 (15 December 2003)</li> <li>• S/PRST/2002/41 (20 December 2002)</li> <li>• S/PRST/2002/6 (15 March 2002)</li> <li>• S/PRST/1999/6 (12 February 1999)</li> </ul> |
| Reports of the Secretary-General  |
| <ul style="list-style-type: none"> <li>• S/2004/431 (28 May 2004)</li> <li>• S/2002/1300 (26 November 2002)</li> <li>• S/2001/331 (30 March 2001)</li> <li>• S/1999/957 (8 September 1999)</li> <li>• S/1998/318 (13 April 1998)</li> </ul>   |
| Other   |
| <ul style="list-style-type: none"> <li>• A/RES/60/1 the 2005 World Summit Outcome Document</li> <li>• S/2001/614 (21 June 2001) letter</li> </ul>   |

from the President of the Council to the Secretary-General

- S/2000/298 (7 April 2000) letter from the President of the General Assembly on behalf of the Special Committee on Peacekeeping Operations to the President of the Council
- S/2000/119 (14 February 2000) letter from the President of the Council to the President of the General Assembly conveying four recommendations from the informal working group on the protection of civilians in armed conflicts for the Special Committee on Peacekeeping Operations

### Historical Background

*14-16 September 2005* World Summit was held in New York, in its final document, it reaffirmed the responsibility to protect civilian populations from crimes against humanity.

*21 June 2005* A Presidential Statement was adopted expressing concern over the limited progress on the ground to protect civilians and expressing intention to take further action, including the adoption of a possible new resolution.

*14 December 2004* A Presidential Statement was adopted reaffirming condemnation of violence against civilians and endorsed a ten-point action plan.

*28 May 2004* The fourth report of the Secretary-General reviewed the performance achieved on protection of civilians at headquarters and in the field, and identified several shortfalls that needed special attention (following the ten-point action plan). The report also noted that enhanced monitoring and reporting frameworks were needed in order to better determine areas in which the impact of conflict would be systematically measured and documented. Finally, two key problems were identified: a lack of regional approaches to protection and the absence of inclusion of guarantees for the protection of civilians in peace processes.

*15 December 2003* A Presidential Statement introduced a ten-point action plan and revised the aide memoire in accordance with evolving needs.

*20 December 2002* A Presidential Statement was adopted acknowledging the emerging issues raised in the Secretary-General's report and recognising the importance of a comprehensive, coherent and action-



oriented approach.

*26 November 2002* The third report of the Secretary-General highlighted the changing environment for the protection of civilians and, in particular, noted that three new challenges had emerged: gender-based violence in conflict situations; the commercial exploitation of conflict and; the rise of terrorism in armed conflicts.

*15 March 2002* The aide memoire identifying 13 core objectives for protecting civilians was adopted as an annex to a Presidential Statement.

*21 June 2001* A letter from the President of the Council to the Secretary-General requested the Secretariat to (1) reorganise the recommendations contained in the Secretary-General's first two reports to better clarify responsibilities for their implementation and strengthen coordination within the UN system (known as the "roadmap"); and (2) prepare the aide memoire.

*30 March 2001* The second report of the Secretary-General further detailed measures to enhance protection.

*18 September 2000* The Millennium Declaration adopted by the General Assembly identified "Protecting the Vulnerable" as an area of priority and agreeing to "expand and strengthen the protection of civilians in complex emergencies in conformity with international humanitarian law."

*19 April 2000* The second Council Resolution (1296) on civilians in armed conflict was adopted.

*17 September 1999* The first Council Resolution on civilians in armed conflict (1265) was adopted.

*8 September 1999* In his first report, the Secretary-General laid down several recommendations to the Council aimed at strengthening legal and physical protection of civilians.

*12 February 1999* Adoption of the first Presidential Statement specifically addressing the issue of the protection of civilians in armed conflict. The Council expressed grave concern at the growing civilian toll of conflicts and requested the Secretary-General to report on recommendations on how the Council could improve the protection of civilians.

*13 April 1998* In a report on the causes of conflict and the promotion of durable peace and sustainable development in Africa, the Secretary-General addressed for the first time the protection of civilians in situations of conflict, calling it a "humanitarian imperative".

## Darfur

### Expected Council Action

The Council is expected to:

- Renew the mandate of the Panel of Experts on sanctions; the resolution may also address the recent harassment of Panel members in Sudan.
- Receive a briefing from the Chief Prosecutor of the International Criminal Court (ICC); agreement on a statement urging cooperation with the Court will require complex negotiation but may be possible.
- The Panel's final report and the Secretary-General's monthly report are also expected and are likely to trigger informal discussions on the wider deterioration of conditions in Darfur and the reasons for the ineffectiveness of the Sanctions Committee. Some reference to these issues in the resolution is possible but, in the absence of dramatic further developments in the region, new substantive action to address them is not expected at this stage.

### Key Facts

The conflict in Darfur 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 and recruiting Arab tribesmen, known as the Janjaweed, who engaged in brutal attacks against the civilian population of this western region of Sudan.

The April 2004 ceasefire is monitored by the African Union Mission in Sudan (AMIS), with support from the UN Mission in Sudan (UNMIS).

In 2004, the Council imposed an arms embargo against non state actors and in 2005 expanded it to all parties to the conflict. It later established a travel ban and assets freeze and, to monitor compliance, established a Sanctions Committee and a Panel of Experts.



In December, the Panel's mandate will expire and as such it is expected to present a report and brief the Committee by then.

The sanctions regime only covers Darfur, and not the entire country. Sanctions violations are reportedly ongoing, especially Khartoum's failure to cut support to the Janjaweed or disarm them.

The Council referred the situation to the ICC on 31 March, per the recommendations of the International Commission of Inquiry (ICI), which reported gross human rights and international humanitarian law violations in Darfur. The ICC Chief Prosecutor Luis Moreno Ocampo briefed the Council in June 2005 on the status of ongoing investigations. He will brief the Council again in December, and is expected to address the level and quality of cooperation the Court has received from the Government of Sudan. Khartoum has decided to establish a new specialised tribunal, in the hopes of eliminating the ICC jurisdiction over the case.

The situation in Darfur deteriorated significantly in October and November. In his November report, the Secretary-General drew attention to the dramatic nature of the situation on the ground, with increasing lawlessness, ceasefire violations, fragmentation of opposition groups, suffering of civilian populations and attacks against AMIS troops and humanitarians. He also pointed to the possible internationalisation of the conflict along the Sudan-Chad border.

In this context, little progress has emerged in peace talks, largely due to fragmentation of the opposition groups. The United States undertook high-level efforts in November, led by Deputy Secretary of State Robert Zoellick, to bring the factions of the opposition groups together. These talks were not successful. The next round of peace talks is expected to commence late November.

### Key Issues

The immediate question for the Council is the mandate renewal for the Panel of Experts.

To date, the Panel's effectiveness has been hindered by the lack of cooperation on the ground, including difficulties with AMIS and hostility aimed directly at Panel's members from Sudanese officials. On 5 November, two Panel members were roughed up. Following a demarche from the head of UNMIS, the Sudanese foreign ministry promised that the Panel's work would not be further hindered. An important secondary question for the Council will be how to respond to this incident, which not only challenged the Council's authority, but also violated UN norms regarding the safety and security of UN personnel.

The broader issue facing the Council is how it can be more effective in ensuring the protection of civilians from violence and encouraging long-term prospects for peace. The Council has passed several important resolutions on Darfur, but has been reluctant to engage more closely to ensure the implementation of actions called for in these resolutions. The Council's focus has been diverted by the tension between the desire to preserve the North-South peace process on the one hand and the need to curb violence and impunity in Darfur on the other. The problems with the sanctions regime (including getting the sanctions Committee operational), the resumption of attacks on civilians and the difficulties facing AMIS remain on the table as important, ongoing issues. The possible merging of the mandates of AMIS and UNMIS has already been raised by NGOs.

The briefing of ICC Chief Prosecutor Ocampo will also shed some light on the implementation of one of the Council's other decisions: the referral of the situation in Darfur to the ICC. But it will raise new issues for the Council, including how far it should go in supporting the ICC investigation or calling for cooperation with its investigation. In this regard, recent Council pressure on Syria to cooperate with the investigation of the UN International Independent Investigation Commission (UNIIC), while not an exact parallel, sets a very important benchmark.

### Council Dynamics

Council members have been divided on several issues that will need to be addressed in December.

All along, Russia, China and Algeria have been reluctant to see the imposition of sanctions on Sudan. It took several months to reach agreement on the creation of the Sanctions Committee after the adoption of the first Council resolution establishing sanctions. Furthermore, that Committee has been essentially inactive. This is largely due to the fact that it has not yet agreed on guidelines for its operation. With no guidelines, the Committee thus lacks the capacity to target sanctions against individuals. In this context, recent remarks by the United States about the need to energise Council's sanctions committees generally may signal some new momentum toward making Darfur sanctions work.

With respect to the ICC, the United States' entrenched opposition to the Court's very existence was an important factor in Council discussions back in February and March. Eventually the US decision to abstain rather than veto the resolution permitted the referral of the situation in Darfur to the ICC. It is likely that any move in the Council that could institutionally or legally strengthen the ICC would be opposed by the US, as well as others such as China and Algeria.

### Options

- The extension of the mandate of the Panel of Experts when it expires at the end of December is highly likely. In light of the numerous stumbling blocks encountered by the Panel in Sudan and the recent assurances of cooperation from Khartoum, the mandate's extension would afford an opportunity for these promises to be tested and, possibly, for the sanctions measures to begin to have an impact.
- Condemning the harassment of Panel members and demanding future cooperation is also an option.
- Action to approve the Sanctions Committee guidelines is a further option.
- Another possibility is to extend the arms embargo to Sudan's entire territory, rather than have them limited just to Darfur.
- Regarding the ICC, the Council could urge full cooperation with the Court, as it has done in the past in the cases of the ad hoc tribunals for Rwanda and the former Yugoslavia and very recently with the UNIIC.

### Underlying Problems

Darfur remains extremely unstable. The ceasefire has not held in the past few months, and there have been recent rebel and government attacks against the civilian population. As a result, the UN decided to stop some of its aid delivery in October.

The main risk comes from fragmentation among the rebels and also, to some extent, within the government. In particular, the SLM/A has effectively fragmented, largely along ethnic lines: an ethnic Zaghawa faction is led by SLM/A's current President Minni Arko Minnawi, while the Fur faction is led by the former movement's President Mohamed al-Nur. Minnawi's election in November was marked by the absence of Nur, who refused to participate.

There is increasing concern about whether AMIS will be able to sustain its activities in Darfur. With the situation worsening, difficulties from the lack of funds and experience on the part of AU peacekeepers become increasingly noticeable.

### UN Documents

| <b>Security Council Resolutions</b>  |
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| <ul style="list-style-type: none"> <li>• S/Res/1593 (31 March 2005) referred the situation to the ICC.</li> <li>• S/Res/1591 (29 March 2005) strengthened sanctions, and established a Sanctions Committee and a Panel of Experts.</li> <li>• S/Res/1590 (24 March 2005) requested the Secretary-General to report on options for the UN Mission in Sudan to assist AMIS.</li> <li>• S/Res/1574 (19 November 2004) expressed support for peace processes in Sudan.</li> <li>• S/Res/1564 (18 September 2004) established the International Commission of Inquiry.</li> <li>• 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.</li> </ul> |
| <b>Presidential Statements</b>   |
| <ul style="list-style-type: none"> <li>• S/PRST/2005/48 (13 October 2005)</li> <li>• S/PRST/2004/18 (25 May 2004)</li> </ul>   |
| <b>Secretary-General's Reports / Letters</b>   |
| <ul style="list-style-type: none"> <li>• S/2005/719 (16 November 2005) is the</li> </ul>   |

latest report of the Secretary-General.

- S/2005/285 (03 May 2005) detailed options for UN assistance to AMIS.
- S/2004/703 (30 August 2004) noted that the Sudanese government did not fulfil its obligations under Resolution 1556 (2004).

## Historical Background

3 November 2005 Minni Arko Minnawi elected SLM/A President.

20 October 2005 Peace talks suspended for a month.

15 September 2005 Peace talks resumed in Abuja.

30 June 2005 Secretary-General appointed the Panel of Experts.

29 June 2005 The ICC Chief Prosecutor Luis Moreno Ocampo briefed the Council.

6 June 2005 The ICC Chief Prosecutor announced his decision to investigate atrocities in Darfur.

20 June 2005 The special Sudanese court began trials of government-allied Popular Defence Forces on charges of killings in Darfur.

28 April 2005 AU Peace and Security Council increased AMIS to 7,731 personnel.

31 March 2005 The Council referred Darfur to the ICC.

29 March 2005 The Council authorized travel and financial sanctions.

25 January 2005 ICI report concluded that war crimes and crimes against humanity had been committed in Darfur.

09 January 2005 Comprehensive Peace Agreement signed to end the North/South conflict.

20 October 2004 The AU decided to expand the mandate of AMIS to include the protection of civilians.

18 September 2004 ICI established.

01 September 2004 Parties called for AU peacekeepers.

30 July 2004 The Council imposed an arms embargo.

08 April 2004 Humanitarian Ceasefire Agree-

ment signed.

February 2003 Insurgency started in Darfur.

## Other Relevant Facts

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| <b>Panel of Experts</b>  |
| Gerard P. McHugh (Ireland)<br>Ernst Jan Hogendoorn (Netherlands)<br>Sherrone Blake Lobban (Jamaica)<br>Eustace Mainza (Zambia)   |
| <b>AU's Chief Mediator</b>   |
| Salim Ahmed Salim (Tanzania).  |
| <b>Head of AMIS</b>  |
| Ambassador Baba Gana Kingibe (Nigeria)   |
| <b>AMIS Force Commander</b>  |
| Major-General Festus Okonkwo (Nigeria)   |
| <b>Size and Composition of AMIS</b>  |
| <i>Total authorized strength:</i> 6,171 military and 1,560 police personnel.<br><i>Strength as of 31 October 2005:</i> 5,577 military personnel and 1,191 police personnel.<br><i>Key troop-contributing countries:</i> Nigeria, Rwanda, Senegal, South Africa and Ghana |
| <b>Cost</b>  |
| \$466 million (\$290 million pledged)<br>Largest donors: Canada, EU, US  |

## Golan Heights/UNDOF

### Expected Council Action

The Council is expected to follow its usual practice of renewing for an additional six months the mandate of the UN Disengagement Observer Force (UNDOF) in the Golan Heights, which expires on 31 December 2005. Traditionally, the resolution calls also for implementation of resolution 338 of 22 October 1973. This is important because that resolution in turn refers to resolution 242 of 22 November 1967, which calls, *inter alia*, for the withdrawal of Israeli troops from occupied territories.

In addition, the President of the Council will almost certainly issue a complementary statement to the effect that, despite the apparent tranquillity in the Golan Heights, the situation in the Middle East will remain tense until a comprehensive settlement of the Middle East problem can be reached. A similar statement has accompanied each renewal of the UNDOF's mandate since 1976.



### Key Facts

When the October 1973 war broke out, pitting Israel against Syria and Egypt, the Golan Heights had already been occupied by Israel since 1967, despite Security Council Resolution 242 of 22 November 1967, which had called for the withdrawal of forces from occupied territories.

An agreement on the disengagement of forces between Israel and Syria was signed at the Geneva peace conference on the Middle East and transmitted to the Security Council on 31 May 1974. On the same day, the Council passed resolution 350 establishing UNDOF. Its mandate, set out in the Protocol to the Agreement on Disengagement, is to maintain the ceasefire and to supervise the Agreement and Protocol.

UNDOF is also assisted by the military observers of the UN Truce Supervision Organisation (UNTSO) Observer Group Golan.

Currently the negotiating process between Syria and Israel is at a standstill, and resolutions 242 and 338 remain unimplemented.

### Key Issues

An important backdrop to the Council's consultation of UNDOF is the current international pressure on Syria in relation to cooperation with the commission that Council established on 7 April 2005 (resolution 1595) to investigate the assassination of former Lebanese Prime Minister Rafik Hariri. It remains to be seen whether Syria will decide to use the UNDOF renewal as an opportunity to challenge the Council's approach (for instance contrasting issues of its compliance with the April 2005 resolution with Israel's 38 years of non-compliance with resolution 242). Syria could perhaps even seek an open meeting of the Council or to try disrupting the extension of the UNDOF mandate in other ways. Alternately, it could well conclude, given its other problems at this point, including the difficulty of securing strong regional support that its long-term interests in the Golan are

best served by not rocking the boat.

Another issue relating to the Golan Heights, which is relevant and has current interest but is unlikely to arise in the Council under this agenda item, involves the unresolved border between Lebanon and Syria, in particular the disputed area which has given rise to ongoing instability, called the Shab'a farms. This is addressed in Terje Roed-Larsen's report on the implementation of resolution 1559 (S/2005/673 of 26 October 2005, paragraph 22). This area is considered by the United Nations as Syrian territory under Israeli occupation, but it is open to Lebanon and Syria to agree on a different formula to draw the border in this region. Because the farms currently fall within the scope of the UNDOF area of operations, any decision from Syria and Lebanon to demarcate the border could have consequences on UNDOF's role. Amongst many other issues that would arise, if the farmlands became part of Lebanon, they could then fall under the United Nations Interim Force in Lebanon (UNIFIL) area of control.

### Council Dynamics

Resolutions renewing the UNDOF mandate are among the most longstanding and routine in Council practice. Traditionally, they are introduced by the President of the Council as *pro forma* texts with no negotiating process. There are no signs that would suggest Council members intend anything different this time around.

Despite the US desire, as a cost-saving measure, to scrutinise and eliminate long-standing peacekeeping operations where political processes are stalled, no one expects the United States to suggest such a review of UNDOF.

### Underlying Problems

The strategic importance of the Golan Heights has been key in this situation. With its height averaging 600 meters and Mount Hermon reaching over 2,800 meters, the Golan plateau dominates the entire northern part of Israel stretching up to the border with Lebanon. Between 1948 and 1967, Syria constructed extensive military fortifications on the heights. In addition, the location enabled Syrian artillery to hit targets inside Israel. The Golan also gives access to the headwaters of the Jordan River, and control

of the Golan permits control of the Sea of Galilee, which supplies roughly 30 percent of Israel's water consumption.

Israel believes that its security requires retention of military control over the Golan Heights. Syria remains firm in its position that is entitled to full and unconditional withdrawal from the Golan. Negotiations between the two countries have been at a standstill for several years now, and are not likely to resume soon.

Syria wants a return to the 4 June 1967 border. Israel demands modifications of this border based on security considerations and on the fact that the border at that time included territory that Syria had seized by force during the 1948 Arab-Israeli war.

The continuing presence of landmines left after the June 1967 war threatens UNDOF personnel and local inhabitants in the area of operations.

Part of UNDOF's mandate is to verify armament and force levels in the areas of limitation. Very often, both sides restrict the movement of inspection teams. Contrary to its concern about such restrictions on other peacekeeping operations, the Council has not taken up these issues in UNDOF's case.

### UN Documents

#### Selected Resolutions

- S/RES/1605 (17 June 2005) extended the mandate of UNDOF by six months
- S/RES/1578 (15 December 2004) extended the mandate of UNDOF by six months
- S/RES/497 (17 December 1981) nullified Israeli annexation of the Golan Heights
- S/RES/350 (31 May 1974) established UNDOF
- S/RES/338 (22 October 1973) called for a ceasefire and comprehensive peace
- S/RES/242 (22 November 1967) called for the withdrawal of Israeli forces from the occupied territories

#### Selected Presidential Statements

- S/PRST/2005/24 (17 June 2005)
- S/PRST/2004/47 (15 December 2004)
- S/PRST/2000/21 (18 June 2000) recognised that Israel withdrew from all of Lebanese territory

#### Selected Secretary-General's Reports

- S/2005/379 (10 June 2005)

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| <ul style="list-style-type: none"><li>• S/2004/948 (7 December 2004)</li><li>• S/2000/590 (16 June 2000) concluded that Israel withdrew completely from Lebanon</li></ul>  |
| <ul style="list-style-type: none"><li>• S/2000/460 (22 May 2000) stated that the Shab'a farmlands fell under the scope of the area of operations of UNDOF</li></ul>  |
| <b>Other</b>   |
| <ul style="list-style-type: none"><li>• A/54/914 – S/2000/564 (12 June 2000) Letter from Lebanon to the Secretary-General affirming that the de facto line between Lebanon and Syria "is the line separating the areas of operation of UNIFIL and UNDOF"</li><li>• S/11302 Add.1 (31 May 1974) Agreement of Disengagement of forces between Syria and Israel</li></ul> |

### Historical Background

*3 to 9 January 2000* Peace talks between Israel and Syria took place in Shepherdstown, United States. The talks were indefinitely postponed due to procedural impasse, which reflected a fundamental disagreement over the Golan Heights.

*1996* Peace talks between Israel and Syria broke down several months after the assassination of Israeli Prime Minister Yitzhak Rabin. Talks were frozen over contrasting interpretations of Rabin's offer to Syria before his death. Syrians said Rabin had promised to return the Golan Heights, while Israelis countered that no such definitive promise had been made.

*1992* In order to reduce expenditure, UNDOF underwent streamlining, with a 15 percent reduction of each military contingent and civilian staff.

*October 1991* The first of sporadic peace talks took place between Syria and Israel at the Middle East peace conference in Madrid. The talks remained stalled over the issue of the Golan Heights.

*May 1985* The strength of UNDOF was gradually brought up to 1,331 (above the originally authorized level of 1,250) following the withdrawal of UNEF.

*14 December 1981* The Golan Heights was annexed by Israel. The area was put under Israeli law, and settlements were established. The annexation has not been recognized by the international community.

*1979* The Observer Group Golan was created. It comprises the UNTSO observers assisting UNDOF and falls under the supervi-

sion and operational control of UNDOF.

*30 November 1974* The initial six-month mandate of UNDOF expired. Since then, the mandate has been repeatedly extended by the Council upon recommendation of the Secretary-General.

*31 May 1974* UNDOF was created. UNTSO's ceasefire observation in the Syria-Israel sector was terminated and 90 observers already assigned to this sector were allocated to UNDOF as an integral part of the force.

*22 October 1973* Security Council resolution 338 called for a ceasefire between the parties and implementation of resolution 242.

*6 October 1973* The Yom Kippur War broke out when Egypt and Syria launched coordinated attacks on Israeli positions in the Sinai Peninsula and on the Golan Heights, seeking to regain the lost territory.

*1967-73* Israel's victory in the 1967 war left it in possession of pieces of land from Egypt, Syria and Jordan (the Sinai Peninsula, the Gaza strip, the West Bank and the Golan Heights). Political confrontations between Israel and its Arab neighbours increased the risks of a conflict renewal.

*9 June 1967* Israel occupied the Golan Heights, part of Syria in the course of the 1967 war.

*1949* The Israel-Syria Mixed Armistice Commission was set up. A number of UNTSO posts along the Armistice Demarcation Line were established but incidents continued to occur until the June 1967 Arab-Israeli war.

*June 1948* The first group of military observers from UNTSO, the first UN peacekeeping operation, arrived in the Middle East in order to supervise the Armistice Agreements between Israel and its Arab neighbours, following the 1948 Arab-Israeli war.

## Other Relevant Facts

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| <b>UNDOF Force Commander</b>   |
| <ul style="list-style-type: none"><li>Major-General Bala Nanda Sharma (Nepal)</li></ul>  |
| <b>Size and Composition of Mission</b>   |
| <ul style="list-style-type: none"><li>1,031 troops, assisted by some 57 military observers of UNTSO's Observer Group Golan; and supported by 38 international civilian personnel and 101 local civilian staff</li><li>Major troop contributors: Austria, Poland, Canada, Slovakia, Japan</li></ul> |

## Cost (approved budget)

- 1 July 2005 - 30 June 2006: \$43.71 million (gross)

## Counter-Terrorism Committee Issues

The Counter-Terrorism Executive Directorate (CTED), which has been fully staffed as of 6 September 2005, has not yet been declared "operational" by the Counter-Terrorism Committee (CTC) and the Secretary-General. This is expected in the context of preparation by the CTC and the Secretary-General for the Council's comprehensive review of the CTED, which is due before 31 December 2005.

### Comprehensive Review of CTED

Resolution 1535 of 26 March 2004, which established the CTED for an initial period ending 31 December 2007, required the Security Council to undertake "a comprehensive review" of the CTED's work by the end of 2005. Although the CTED has not been formally declared operational, it has begun to carry forward the work entrusted to it pursuant to the organisational plan, which, as stipulated in resolution 1535, is to "enhance the Committee's ability to monitor the implementation of resolution 1373 (2001) and effectively continue the capacity-building work in which" the CTC had been engaged with its prior support structure.

The CTED will be reviewed for its relevance and effectiveness on the basis of its performance of the tasks entrusted to it. However, in light of the long delay in establishing the organisational structure and making it operational, the comprehensive review will necessarily be limited in scope.

The CTED is expected to have the support of the CTC and the Secretary-General and will be given the opportunity to continue to build on the work already done. High expectations continue to exist within the broader UN community for the work of the CTED not only in its capability to provide assistance to the CTC in its monitoring functions but also in effectively facilitating assistance to states needing help to build their counterterrorism capacity and effectiveness.

### Work Programme

In keeping with their respective and joint



mandates, both the CTC and the CTED have set out in detail their respective work programmes for the 90-day period ending 31 December 2005 (S/2005/663), which include goals to be achieved during the period and new initiatives to enhance the work of the CTC. The improved resources of the CTED are expected to enhance the work of the CTC in the following areas that will bear watching during the period.

### Outreach to Regional Groups

1. Taking advantage of this new capability, the CTC intends to reach out more to regional and sub-regional groups in a number of ways. By recognising the vital importance of regional groups in supporting the CTC in facilitating technical assistance in each region or sub-region, the CTC and its CTED will seek ways to assist regional and sub-regional groups and organisations to build their capacities to develop counterterrorism programmes relevant for each region or sub-region. This should include facilitating the provision of guidance and assistance to regional and sub-regional groups and organisations in evaluating the special needs of their members to implement the provisions of resolution 1373 and the 13 international antiterrorism instruments. Such evaluations would form the basis for facilitating and targeting assistance to each state. In carrying out these activities, the CTC and the CTED should be mindful of the special needs of land-locked states and small islands developing states (SIDS) in their efforts to implement counterterrorism measures. It will be incumbent on these States to raise these concerns with the CTC and its CTED.

### Concerns about Reporting Requirements

The CTC intends to further this outreach by undertaking a review, in collaboration with the 1267 (Al-Qaida/Taliban) and 1540 (terrorism and weapons of mass destruction) committees, of the reporting regime required of states to comply with the requirements of the relevant resolutions (1373, 1267 and 1540). In addressing the so-called "reporting fatigue" that has drawn complaints from a

number of small and disadvantaged states, the CTC should give consideration to the suggestions raised by the Pacific Islands Forum with regard to regional reporting (S/PV.5293 of 26 October 2005). While it is not possible to delegate fully the responsibility of each state in meeting its individual obligations under the UN Charter, it should be possible to facilitate an appropriate level of regional response to the reporting requirements, particularly where region-wide standards comply with international standards and are implemented and monitored by a competent regional authority. The CTC's approach in engaging States on their implementation of the provisions of resolution 1624 (2005) with regard to the prohibition of incitement to terrorism should be mindful of starting a new round of reporting and thereby aggravating the so-called reporting fatigue.

#### *Capacity Building*

2. The CTC will continue to build upon its efforts to strengthen its dialogue with states in the preparation of technical assessments of needs and in sharing these with potential assistance providers. This should include not only expanding the involvement of the donor community beyond the members of the G-8's Counter-Terrorism Action Group (CTAG), but also further and deeper involvement of UN bodies, agencies and programmes that are already engaged in capacity-building assistance and have programmes that are relevant to counterterrorism capacity-building. It should include a dialogue with those that have the capability within their mandates to contribute to these efforts but have so far failed to do so.

#### *Links with International Organisations*

3. The CTC will be able to achieve greater collaboration with the international organisations (IOs) with mandates and capabilities that are relevant to its work. In addition to collaboration in, and support of, country visits and possible provision of assistance following from such visits, the CTC should provide collation in a matrix of the specific programmes of IOs related to implementation of resolution 1373. This collation should include programme descriptions, methodologies, eligibility for benefiting in these programmes, and up-to-date contact information for accessing and receiving assistance under

these programmes. Such a matrix containing the relevant programmes of IOs, institutions and regional organisations had been prepared and used in the past to facilitate assistance to a few states, but it was never published in the working languages of the UN and made available to all member states. Hence its usefulness in facilitating assistance was never maximised.

#### *Human Rights Perspective*

4. The CTC will complete discussion on how a human rights perspective should be appropriately streamlined into the CTC's policy and work. Already, in dialogue with states, the CTC reminds them that action taken to suppress and prevent terrorism should comply with standards of international human rights, humanitarian and refugee laws. Now with the CTED fully staffed, including with a human rights expert, the CTC is expected to complete discussions and agree on the mandate and functions of the human rights expert before declaring the CTED operational. In keeping with the practice established by the first Chairman of the CTC, the decision taken in this regard should be published as a document of the Security Council so that UN member states and the wider community will be made aware of what is expected of the CTED with regard to human rights within its mandate and the type of guidance and assistance that might flow from this in the implementation of resolution 1373 and other counterterrorism measures.

#### *Country Visits*

5. Despite its original intention to conduct two country visits before year-end, it now appears likely that the CTC/CTED will only visit Algeria, as the Philippines was not ready to accommodate such a visit.

## Sierra Leone

### **Expected Council Action**

The Council is expected to welcome the Secretary-General's report marking the end of mandate of the UN Mission in Sierra Leone (UNAMSIL) and the commencement of the UN Integrated Office in Sierra Leone (UNIOSIL) as of 1 January 2006. However, action to terminate the remaining elements of the sanctions regime seems unlikely at this stage.

### **Key Facts**

The 11-year conflict in Sierra Leone ended in 2002, when Ahmad Tejan Kabbah was elected president. In its final years, the conflict centered on an insurgency against Kabbah and pro-government militias by the Revolutionary United Front (RUF), with the backing of Liberian insurgent and then President Charles Taylor.

The Security Council created UNAMSIL in 1999 and imposed an arms embargo against non-state actors and a travel ban against members of the RUF and the military junta. It also created a Sanctions Committee, now largely inactive because the diamonds embargo has expired.

UNAMSIL's mandate will expire on 31 December. It will be replaced by UNIOSIL, thereby concluding UNAMSIL's three-year phased drawdown. The maintenance of a residual UN presence on the ground with UNIOSIL aims at ensuring that the achievements from past years can be secured and consolidated. Nonetheless, UNIOSIL is a small mission (about 50 international civilians) with an extensive mandate.

Downscaling UNAMSIL was carried out pursuant to a plan under which the gradual achievement of benchmarks was matched with phased repatriation of peacekeepers. The benchmarks include security sector reform, consolidation of state authority, reintegration of ex-combatants and control over diamond mining. From a maximum authorised strength of 17,500 in 2002, UNAMSIL now stands at 2,515 uniformed personnel.

Pursuant to resolution 1620 of 31 August 2005, UNIOSIL will be mandated with, *inter alia*, assisting the Sierra Leonean government in capacity-building, good governance and security sector strengthening, as well as liaison with the Special Court for Sierra Leone (SCSL). Notably, UNIOSIL will present an integrated approach in which the Secretary-General's executive representative will also head the UN Development Programme (UNDP) country office and humanitarian coordination in Sierra Leone.

One important feature of the drawdown plan is coordination among peacekeeping operations in West Africa. In this context, the

UN Mission in Liberia (UNMIL) is due to provide security for the SCSL after UNAMSIL leaves.

### Council Dynamics

By approving the transition to UNIOSIL months before UNAMSIL's mandate expired, the Council displayed sensitivity to the challenges created by the end of a peacekeeping operation. This approach is a further example of a trend of more gradual transitioning from UN peacekeeping into peacebuilding and development.

Nonetheless, some inside the Council still advocate generally swifter pullouts in view of limited resources and the competing demands of more unstable situations. UNIOSIL, a very small office of about 50 international civilians, represents a compromise between both views.

Because of the limited scope and targeted nature of the remaining sanctions, there appears to be no pressure at this stage to review the sanctions regime.

### Underlying Problems

Despite achievements on benchmarks and overall tranquillity, Sierra Leone still faces the lack of infrastructure and expertise, corruption, lack of control over diamond mining and delays in electoral reform.

Specific risks to security stem from extreme poverty, as well as instability in Liberia, Côte d'Ivoire and Guinea. Porous borders, a border dispute with Guinea and the continuation of trials by the SCSL compound the picture.

### UN Documents

#### Security Council Resolutions

- S/Res/1626 (19 September 2005) authorised UNMIL to provide security for the SCSL.
- S/Res/1620 (31 August 2005) established the mandate of UNIOSIL.
- S/Res/1610 (30 June 2005), 1537 (30 March 2004), 1492 (18 July 2003) and 1436 (24 September 2002) authorised UNAMSIL's drawdown.
- S/Res/1562 (17 September 2004) redefined UNAMSIL's mandate from January 2005.
- S/Res/1315 (14 August 2000) called for the SCSL.
- S/Res/1270 (22 October 1999) established UNAMSIL.

### Secretary-General's Reports

- S/2005/596 (20 September 2005) is the latest report.
- S/2005/273 (26 April 2005) and Add. 1 (21 June 2005) and 2 (28 July 2005) recommended UNIOSIL.
- S/2004/228 (19 March 2004), 663 (23 June 2003) and 987 (5 September 2002) detailed the drawdown.
- S/2000/915 (4 October 2000) detailed the SCSL.

### Reports of Council Missions

- S/2004/525 (2 July 2004)
- S/2003/688 (7 July 2003)
- S/2000/992 (16 October 2000)

### Historical Background

*September 2005* UNMIL authorised to provide security for the Special Court for Sierra Leone (SCSL).

*August 2005* UNIOSIL established.

*August 2003* Taylor exiled.

*June 2003* Taylor indicted by SCSL. Diamonds embargo expired.

*2002* Kabbah re-elected. UK troops left. Drawdown began.

*2001* RUF retreated into Liberia. Rebel disarmament began.

*2000* Lomé accord collapsed. UK and Economic Community of West African States (ECOWAS) troops sent. SCSL established. Diamonds embargo imposed. Ceasefire signed.

*1999* RUF took over Freetown. Lomé accord signed between government and RUF. UNAMSIL established.

*1998* Junta removed by ECOWAS' Monitoring Observer Group (ECOMOG); President Kabbah reinstated. Oil embargo terminated. New sanctions imposed.

*1997* Private security firm Executive Outcomes leaves Sierra Leone. Kabbah toppled by Junta and RUF. Oil and arms embargo imposed. Taylor elected President of Liberia.

*1996* Kabbah elected.

*1995* National Provisional Ruling Council (NPRC) hired Executive Outcomes against RUF.

*1991* RUF entered Sierra Leone.

*1992* Coup d'état by NPRC.

*1991* RUF attacked Bomaru. ECOMOG deployed in Sierra Leone.



1990 ECOMOG deployed in Liberia.

### Other Relevant Facts

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|---|
| <b>Special Representative of the Secretary General</b>  |
| Daudi Ngelautwa Mwakawago (Tanzania)  |
| <b>UNAMSIL Force Commander</b>  |
| Major-General Sajjad Akram (Pakistan)   |
| <b>Size of Mission</b>  |
| <i>Strength as of 30 September 2005:</i><br>2,515 total uniformed personnel, including 2,360 troops and 99 military observers |
| <b>Cost</b>   |
| 1 July 2005 - 30 June 2006: \$113.22 million (gross)  |
| <b>Duration</b>   |
| 22 October 1999 to present  |

Source: DPKO

## Haiti

### Expected Council Action

The Council will be monitoring the situation in Haiti with concern as the electoral process unfolds, leading to the elections scheduled for 27 December 2005. A statement giving positive encouragement is a possibility. Any upsurge in political violence or suggestion that the elections might be further delayed is likely to trigger a firm response. The mandate of the UN Stabilization Mission in Haiti (MINUSTAH) expires in February, but all evidence suggests that the Council appreciates that a long-term commitment in Haiti is required this time around.

### Key facts

The Council's active engagement with Haiti dates back to the early 1990s. After the 1991 coup that overthrew the democratically elected president Jean-Bertrand Aristide and following a long period of intense negotiations, the Council in resolution 940 (1994) authorised the use of force to restore the elected leader. Under this pressure, the coup perpetrators left and Aristide returned to the country.

Council-mandated missions were on the ground for several years though their scope became increasingly narrow before their final withdrawal in March 2000.

The situation in Haiti never stabilised and became progressively more volatile. In early 2004, violent upheavals against the Haitian government led to President Aristide leaving the country in February.

A US-led Multilateral Interim Force (MIF) entered Haiti to ensure stability until the arrival of the current UN peacekeeping force.

A Provisional Electoral Council (CEP) was established. An important regional cooperation effort was undertaken to support to the electoral process under the auspices of the Organisation of American States (OAS), the Caribbean Community (CARICOM) and the United Nations. According to the current Haitian constitution, the new president has to take office on 7 February 2006.

In a presidential statement on 18 October 2005, the Council, concerned about delays, urged the Haitian authorities to hold the elections before 2006 and to develop a phased electoral plan as soon as possible.

### Key issues

The Council's main challenge is long-term stabilisation of the situation in Haiti. Holding elections by the constitutional deadline of February 2006 is crucial to achieving that goal. Of specific importance for the Council are the fundamental requirements for the elections: adequate security and processes which can achieve a free and fair election.

A further issue of concern for the Council will be to ensure security between the two rounds of elections, when the risk for a resurgence of violence is the highest.

The Council will have to keep Haiti high on its agenda to ensure long-term stability. A renewal of the mandate of MINUSTAH due to expire on 15 February 2006 is likely in this regard, and an increase in size remains possible since the ceiling has not been reached yet.

### Council Dynamics

The "Group of Friends of Haiti," including Council members such as Argentina, Brazil, France and the United States, has been in the lead. In addition, Canada, with its

engagement dating back to the 1990s, and Chile, a recently departed Council member, play important roles.

The United States has been particularly interested in stabilising the Haitian situation because of concerns about an influx of refugees to Florida. For Latin American states, Haiti has been a test of their ability to manage a conflict in the region.

A Core Group composed of the leading countries, troop-contributing countries, donors and regional organisations, was established in 2004 and was welcomed by the Council in its resolution 1576. The Core Group met in November 2005 in Haiti and expressed concern over the slow electoral process.

### Options

The Council may limit itself to monitoring the situation and receiving situation reports from MINUSTAH. However, other options include:

- An early, proactive presidential statement to encourage the electoral process, welcoming the setting of the election date for 27 December 2005 and pointing to the key benchmarks to be achieved in the coming weeks
- If signs of political violence or further delays appear, the Council may consider a more detailed statement

### Underlying problems

Impediments to the holding of elections and factors fuelling instability include a lack of confidence in the democratic process on the part of the population, rising political tensions and a lack of political dialogue, the slow training of the Haitian National Police, setbacks in the judicial system's reforms, an absence of sound institutions and of the rule of law, gang violence and overall very high crime rate, and rampant poverty. Additional impediments include delays in the implementation of a disarmament, demobilisation and reintegration programme, and deficiencies in coordination between the OAS, MINUSTAH and the CEP.

Because the Council has in the past failed to commit the presence of UN missions in Haiti for sufficiently long-term involvement, the UN is finding it difficult to develop the necessary and productive partnerships with Haitian society at all levels.

## UN Documents

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| <p><b>Selected Resolutions</b></p> <ul style="list-style-type: none"> <li>• S/RES/1608 (22 June 2005) extended the mandate of MINUSTAH until 15 February 2006 and expressed support for the Secretary-General's proposals for temporarily reinforcing the mission.</li> <li>• S/RES/1576 (29 November 2004) extended the mandate of MINUSTAH.</li> <li>• S/RES/1542 (30 April 2004) established MINUSTAH and requested that authority be transferred from the MIF.</li> <li>• S/RES/1529 (29 February 2004) authorized the MIF to deploy in Haiti.</li> </ul>  |
| <p><b>Reports of the Secretary-General</b></p> <ul style="list-style-type: none"> <li>• S/2005/631 (6 October 2005)</li> <li>• S/2005/313/Add.1 (23 June 2005)</li> <li>• S/2005/313 (13 May 2005)</li> <li>• S/2005/124 (25 February 2005)</li> <li>• S/2004/908 (18 November 2004)</li> <li>• S/2004/698 (30 August 2004)</li> <li>• S/2004/300 (16 April 2004)</li> </ul>   |
| <p><b>Presidential Statement</b></p> <ul style="list-style-type: none"> <li>• S/PRST/2005/50 (18 October 2005) pressed Haiti's administration to hold timely elections.</li> <li>• S/PRST/2005/1 (12 January 2005) noted that further urgent action was needed to improve security and that additional measures for holding elections were also necessary.</li> <li>• S/PRST/2004/32 (10 September 2004) noted that illegal armed groups were still undermining stability and security.</li> <li>• S/PRST/2004/4 (26 February 2004) expressed concern over the situation in Haiti and supported the OAS and CARICOM in their effort to find a solution.</li> </ul> |
| <p><b>Letters exchanged between the President of the Council and the Secretary-General</b></p> <ul style="list-style-type: none"> <li>• S/2005/235 (12 April 2005)</li> <li>• S/2005/220 (4 April 2005)</li> <li>• S/2004/941 (2 December 2004)</li> <li>• S/2004/565 (13 July 2004)</li> <li>• S/2004/439 (1 June 2004)</li> </ul>  |
| <p><b>Report of the Council's mission to Haiti</b></p> <ul style="list-style-type: none"> <li>• S/2005/302 (6 May 2005) stressed that there was no alternative to elections.</li> </ul>  |

### Historical Background

*18 November 2005* The date of the first round of elections was set for 27 December and the second round for 31 January 2006.

*November 2005* The Core Group Haiti met in Port-au-Prince.



20-21 October 2005 International donors' conference for Haiti in Brussels reviewed the status of financial pledges made.

18 October 2005 Haiti's Prime Minister, Gérard Latortue, briefed the Council and despite some positive developments, tremendous challenges remained, especially with regards to the judicial system, the disarmament process and the humanitarian situation.

29 September 2005 More than 70 percent of some 4 million eligible voters had been registered.

22 June 2005 The Council extended the mandate of MINUSTAH until 15 February 2006 and supported a temporary increase during the electoral period.

April 2005 Security Council mission visited Haiti.

Late 2004 Rising levels of deadly political and gang violence occurred in the capital. Armed gangs loyal to Aristide were said to be responsible for the killings.

30 April 2004 The Security Council adopted resolution 1542 establishing MINUSTAH.

17 March 2004 Interim Prime Minister Latortue formed a transitional government. In order to build consensus for the work of the government, a political pact was signed between the government, political groups and representatives of the civil society.

29 February 2004 President Aristide was forced into exile. The Council adopted resolution 1529 authorising the MIF to deploy in Haiti, at the request of the new interim government.

January and February 2004 Violent uprisings against President Aristide took place. Rebels seized several cities and dozens of people were killed.

1995 to 2000 The multinational force was followed by a number of successive peacekeeping missions until 2000: the UN Mission in Haiti (UNMIH), the UN Support Mission in Haiti (UNSMIH), the UN Transition Mission in Haiti (UNTMIH) and the UN Civilian Police Mission in Haiti (MIPONUH).

1995 Aristide supporters won parliamentary elections.

October 1994 The Haitian military regime relinquished power. Council-authorised

forces landed in Haiti to oversee a transition to civilian government, and Aristide returned.

1993 The joint UN-OAS International Civilian Mission in Haiti (MICIVIH) was deployed in February, but due to a lack of Haitian cooperation could not carry its mandate. In June, through resolution 841, the Council imposed sanctions after the Haitian regime rejected an accord facilitating Aristide's return. In September, the Council established the first peacekeeping operation in the country, UNMIH.

September 1991 Aristide was ousted in a coup led by Brigadier-General Raoul Cédras.

December 1990 Jean-Bertrand Aristide was elected president in an election monitored by the UN and OAS.

### Other Relevant Facts

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| <b>Special Representative of the Secretary General</b>   |
| Juan Gabriel Valdés (Chile)  |
| <b>Force commander</b>   |
| General Urano Teixeira da Matta Bacellar (Brazil)  |
| <b>Size and Composition of Mission</b>   |
| <i>Current Strength as of 30 September 2005:</i> 8,104 total uniformed personnel, including 6,595 troops and 1,509 police, supported by 428 international civilian personnel, about 461 local civilian staff and 161 UN Volunteers.<br><i>Key Troop Contributing Countries:</i> Brazil, Jordan, Uruguay, Nepal, Sri Lanka, Argentina, Chile. |
| <b>Cost</b>  |
| 1 July 2005 - 30 June 2006: \$494.89 million.  |

## Timor-Leste

### Expected Council Action

The Council expects the Secretary-General's progress report on the UN Office in Timor-Leste (UNOTIL) in December. It is also expecting a report from the Secretary-General on justice and reconciliation in Timor, but it is unclear when that will emerge.

### Key Facts

The conflict in Timor-Leste started when the Frente Revolucionária de Timor-Leste Inde-



pendente (FRETILIN) declared East Timor's independence from Portugal in 1975. Indonesia intervened and annexed the territory a few months later. Following years of conflict and repression by Indonesia in East Timor, Indonesia and Portugal agreed in May 1999 to a referendum on independence in Timor.

The Council mandated the UN Mission in East Timor (UNAMET) to oversee the referendum and the successive transition either to independence or autonomy, depending on the outcome. Following an overwhelming vote for independence, pro-integration militias committed widespread murder and rape, displaced about 63 percent of the total East Timorese population and burned about 85 percent of all buildings in East Timor.

In September 1999, the Council authorised the Australia-led International Force in East Timor (INTERFET) to restore peace and security. Indonesia withdrew, and the Council established the UN Transitional Administration in East Timor (UNTAET) to help the territory transition into full independence. UNTAET ended in 2002 following the election of former FRETILIN leader Xanana Gusmão as President. The Council then established the UN Mission of Support in East Timor (UNMISSET), and subsequently UNOTIL in 2005. Both were designed to provide assistance to the government and prepare the gradual transition from UN peacekeeping to peacebuilding activities.

In 2000, UNTAET established a judicial mechanism, called the serious crimes process, to bring to justice those responsible for gross violations of human rights in East Timor in 1999. It was brought to a closure in May 2005 pursuant to resolution 1543 (2004), after producing 95 indictments and charging 440 individuals. The serious crimes unit of the UN operation was shut down. This left numerous cases outstanding, including 200 arrest warrants. Of about 1,370 reported cases of murder, only 572 resulted in indictments.

The governments of Indonesia and Timor-Leste in 2004 decided to create a Commission for Truth and Friendship (CTF) to produce a report in lieu of a judicial process. The decision attracted mixed comments: criticism for favouring impunity and creating risks of instability, but also a degree of understanding and support by regional neighbours.

The Secretary-General decided to appoint a Commission of Experts (COE) in early 2005 to provide recommendations on justice and reconciliation for Timor-Leste. The Commission found that the proposed CTF, in which the terms of reference foresee amnesty for the perpetrators of serious crimes, contradicts international standards against impunity. The report recommended that the serious crimes process be maintained and that Indonesia step up its judicial capacity. In the event that the parties failed to adopt these measures, the COE recommended that an international tribunal be established or that the situation be referred to the International Criminal Court (ICC) under an extraordinary arrangement between the United Nations and the ICC.

The Council has to date avoided taking a position on the COE recommendations. In September it requested the Secretary-General to provide it with recommendations on the COE report.

### Key Issues

The immediate issue before the Council in December will be the UNOTIL report, which is likely to be uncontroversial. It is unclear at time of writing whether the Secretary-General's proposals for addressing the outstanding cases of serious crimes committed in East Timor in the period immediately following the referendum will be available.

### Council Dynamics

There has been considerable discomfort among Council members with the COE's recommendations largely due to the fact that both states involved, Timor-Leste and Indonesia, have been unhappy with the findings and responded by reiterating support for the CTF option. In particular, Asian members of the Council have tended to side with that approach.

Several Council members consider the

recommendation for an international tribunal too expensive. The United States has strong reservations about any involvement of the ICC.

As a result, the Council did not act on the COE report when it was transmitted to its members in late June. In a move seen as a further stalling tactic, the Council, in late September 2005, requested that the Secretary-General present a report on justice and reconciliation for Timor-Leste, "with a practically feasible approach, taking into account the report of the Commission of Experts as well as the views expressed by Indonesia and Timor-Leste."

Some Council members have made it known that they reject the amnesty provisions included in the CTF's terms of reference and expressed concerns about the risks in terms of global precedent in promoting impunity, as well as concern about its potential impact on Timor-Leste's prospects for long-term stability. At the same time, however, there is recognition of the need to find a solution that to some extent accommodates the preferences of the two states involved.

### Options

The Council may limit itself to receiving and discussing the progress report from UNOTIL. Options include:

- A brief statement welcoming the report and expressing continued support for efforts to achieve lasting stability in Timor-Leste as well as securing eventual smooth ceasing of UN peacekeeping and peace building activities in the country
- A request to the Secretary-General inquiring about the timing of the outstanding justice and reconciliation report
- No action, allowing the matter to be delayed further

### Underlying Problems

The worst human rights violators who led the anti-independence movement escaped to Indonesia, and their possible return may pose risks to stability in Timor-Leste. Returns may increase in the upcoming months, given the apparent end of the serious crimes process.

The serious crimes process is sensitive to

Indonesia because of the involvement of Indonesian personnel with the militias in the 1999 rampage at the time of the referendum.

Re-establishing the serious crimes process is nonetheless viewed as potentially harmful to relations between Timor-Leste and Indonesia. Good relations between both countries are regarded as a cornerstone of stability and security in Timor-Leste.

### UN Documents

| Security Council Resolutions   |
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| <ul style="list-style-type: none"> <li>• S/Res/1599 (2005) established UNOTIL.</li> <li>• S/Res/1543 (2004) determined that the serious crimes process be concluded by 20 May 2005.</li> <li>• S/Res/1410 (17 May 2002) established UNMISSET.</li> <li>• S/Res/1272 (25 October 1999) established UNTAET.</li> <li>• S/Res/1264 (15 September 1999) authorised INTERFET.</li> <li>• S/Res/1246 (11 June 1999) established UNAMET.</li> </ul> |
| Secretary-General Reports  |
| <ul style="list-style-type: none"> <li>• S/2005/533 (18 August 2005) is the latest progress report on UNOTIL.</li> <li>• S/2005/99 (18 February 2005) recommended the establishment of UNOTIL.</li> </ul>  |
| Reports of Council Missions  |
| <ul style="list-style-type: none"> <li>• S/2000/1105 (21 November 2000)</li> <li>• S/1999/976 (14 September 1999)</li> </ul>   |
| Special Reports / Letters  |
| <ul style="list-style-type: none"> <li>• S/2005/613 (28 September 2005) was a letter from the president of the Council requesting further recommendations on justice and reconciliation for Timor-Leste.</li> <li>• S/2005/458 (15 July 2005) contained the Report of the Commission of Experts.</li> </ul>  |

### Historical Background

*5 August 2005* CTF officially met for the first time.

*1 August 2005* Governments of Timor-Leste and Indonesia announced CTF members.

*15 July 2005* The COE report was published.

*May 2005* Serious crimes process concluded activities. UNOTIL established.

*18 February 2005* Secretary-General informed the Council about his decision to establish

the COE, following his December 2004 consultations with foreign ministers of Indonesia and Timor-Leste.

May 2002 UNMISSET established.

October 1999 UNTAET established.

September 1999 Anti-independence violence stepped up; martial law imposed; INTERFET authorised.

August 1999 Referendum showed overwhelming support for independence.

June 1999 UNAMET established.

May 1999 Indonesia and Portugal agreed to the terms of the referendum. Indonesian military-sponsored violence erupted in Timor-Leste.

January 1999 Indonesia decided to carry out the referendum.

December 1975 Indonesia occupied Timor-Leste.

November 1975 FRETILIN declared Timor-Leste independent.

## Other Relevant Facts

|   |
|---|
| <b>Special Representative of the Secretary-General</b>                            |
| Sukehiro Hasegawa (Japan)   |
| <b>Size and Composition of UNOTIL</b>   |
| As many as 130 staff members  |
| <b>Cost (requested budget)</b>  |
| US\$ 22,027,700.00  |
| <b>Commission of Experts</b>  |
| Prafullachandra Bhagwati (India)<br>Yozo Yokota (Japan)<br>Shaista Shameem (Fiji) |

## Liberia

### Expected Council Action

The Council is expected to continue the sanctions regime for Liberia, but it may also want to signal a flexible approach to some relaxation relatively soon. It will have for consideration the report of the Panel of Experts on sanctions and the regular report of the Secretary-General.

### Key Facts

Starting in 1989 with the first attacks from Mano and Gio insurgents under Charles Taylor's National Patriotic Front of Liberia (NPFL) against largely Krahn and Mandingo forces, the most recent war in Liberia resulted

in the inauguration of Taylor as president in 1997. It also led to the destabilisation of neighbouring Sierra Leone and eventually spilled over into Côte d'Ivoire in 2002.

The insurgency ended with the Comprehensive Peace Agreement (CPA) in 2003 and Taylor's asylum in Nigeria. The CPA mandated the National Transitional Government of Liberia (NTGL) and elections in 2005.

The Council created the UN Mission in Liberia (UNMIL) in 2003 and imposed an arms embargo and a travel ban on Taylor and individuals linked to him, as well as embargos on diamond and timber exports fuelling the conflict. It established a Sanctions Committee and a Panel of Experts, as well as an assets freeze against Taylor and his associates.

The current mandate of the Panel and the sanctions regime will expire on 21 December 2005. The benchmarks pursuant to resolution 1521 (2003) for lifting the sanctions are:

- *Arms embargo and travel ban:* when the Council considers that the ceasefire is fully respected, the security sector reform and the disarmament, demobilisation, reintegration and repatriation of combatants (DDRR) programmes have been completed, the CPA has been fully implemented, and that progress has been made towards stability in Liberia and in the sub-region.
- *Diamonds:* when the Sanctions Committee considers that the Government of Liberia has established a "transparent, effective and internationally verifiable" Certificate of Origin regime. The existing certification scheme is the Kimberley Process, which Liberia has been trying to join.
- *Timber:* when the Council determines that the Government of Liberia has established full control over producing areas, and has ensured that revenues from that industry are not used for fuelling conflict.

The June 2005 assessments from the Panel of Experts and the Secretary-General concluded that the NTGL had been unable to meet the benchmarks, since:

- No evidence of arms imports had been found, but concerns remained about hidden arms in Liberia and the completion of DDRR programmes.
- There were reports of travel-ban violations, especially a trip Taylor allegedly had taken to Burkina Faso. Nigeria denied the



allegations.

- The assets freeze had not overall been very effective.
- The diamond sector lacked transparency and control systems, and violations of the embargo were expected to increase.
- The NTGL had been unable to exercise control over timber producing areas, or to develop oversight of the sector's financial management.

### Key Issues

The key issue facing the Council is whether to renew the sanctions regime in light of the limited progress made by the NTGL towards the benchmarks and the inauguration of the newly elected government in January 2006.

### Council Dynamics

Some Council members may argue that the sanctions regime is having an adverse impact on humanitarian and economic conditions in Liberia and that it is now safe to lift or relax the regime, despite the Panel's conclusion that lifting sanctions at this stage still presents unacceptable dangers due to corruption and lack of effective NTGL authority.

Other members are likely to argue in favour of maintaining the sanctions regime on the basis that the Council's own set of benchmarks for the lifting of the sanctions contained in resolution 1521 have not been met. Lifting the sanctions before these benchmarks are met would make the Council inconsistent with its own decisions.

Some Council members may be willing to agree to signal a degree of relaxation in the future rather than any lifting of the sanctions now.

The views of the newly elected president will be an important element in the discussion.

### Options

The options may include:

- Lifting some or all of the sanctions
- Relaxing at least one of the sanctions measures (e.g. perhaps the arms embargo, but limited to allowing the sale

of arms to the new government)

- Signalling a willingness to review the sanctions or a particular measure at the request of the incoming president
- Deciding to maintain the status quo, but to review the sanctions after three months rather than six

### Underlying Problems

There are concerns that the security situation will remain fragile in the aftermath of the presidential election. The victory of economist Ellen Johnson-Sirleaf over soccer star George Weah (whose base included former military commanders and politicians once close to Charles Taylor) is contested. At the time of writing, a complaint of fraud filed by Weah is under investigation.

Following the presidential elections, the Council mandated UNMIL to arrest Taylor if he returns to Liberia. The resolution aims at preventing the country's destabilisation should Taylor decide to return. UNMIL is also mandated to hand him over to the Special Court for Sierra Leone, where an indictment for war crimes and crimes against humanity committed in Sierra Leone is pending against Taylor for his role in the civil war that plagued that country until 2002.

A new government will be inaugurated in January 2006, marking the end of the transitional process. Nonetheless, challenges from corruption, lack of authority, former combatants and Charles Taylor's supporters are likely to continue. The picture is compounded by cross-border tribal allegiances, mutual intervention in domestic affairs by regional players, and the volatile situation in Côte d'Ivoire.

As part of the effort to curb corruption, the Governance and Economic Management Assistance Program (GEMAP) was signed between the NTGL and major international donors. Over time it is likely to be helpful in addressing donors concerns regarding corruption to some extent. Nonetheless, Liberia's natural resources remain vulnerable to predators and there are current funding shortfalls in DDRR programmes, suggesting that incentives to loot resources will remain high if market openings arise from the lifting

of sanctions.

### UN Documents

| Security Council Resolutions   |
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| <ul style="list-style-type: none"> <li>• S/Res/1638 (11 November 2005) mandated UNMIL to apprehend Charles Taylor should he return to Liberia.</li> <li>• S/Res/1626 (19 September 2005) authorised a temporary increase in UNMIL and requested a downsizing plan by March 2006.</li> <li>• S/Res/1579 (21 December 2004) and S/Res/1607 (21 June 2005) renewed sanctions and the Panel's mandate until 21 December 2005.</li> <li>• S/Res/1532 (12 March 2004) imposed an assets freeze against Taylor and his associates.</li> <li>• S/Res/1521 (22 December 2003) imposed the current sanctions regime and called for the appointment of a Panel of Experts.</li> <li>• S/Res/1509 (19 September 2003) established UNMIL.</li> <li>• S/Res/1497 (1 August 2003) authorised the deployment of a Multinational Force</li> </ul> |
| Secretary-General's Reports  |
| <ul style="list-style-type: none"> <li>• S/2005/560 (1 September 2005) is the latest report.</li> <li>• S/2005/376 (7 June 2005) noted not enough progress towards benchmarks.</li> <li>• S/2003/1175 (15 December 2003) detailed the DDRR programme.</li> <li>• S/2003/875 (11 September 2003) detailed the establishment of UNMIL.</li> </ul>  |
| Reports of Council Missions to West Africa   |
| <ul style="list-style-type: none"> <li>• S/2004/525 (2 July 2004)</li> <li>• S/2003/688 (7 July 2003)</li> </ul>   |
| Reports of the Sanctions Committee and Final Reports of the Panel of Experts   |
| <ul style="list-style-type: none"> <li>• S/2005/360 (13 June 2005)</li> <li>• S/2004/1025 (31 December 2004)</li> <li>• S/2004/955 (6 December 2004)</li> <li>• S/2004/396 (1 June 2004)</li> </ul>  |

### Historical Background

*November 2005* Ellen Johnson-Sirleaf wins after second ballot in presidential elections.

*11 October 2005* First ballot in presidential elections.

*19 September 2005* The Council enlarged UNMIL to provide security for the Special Court for Sierra Leone.

*March 2004* The Council imposed sanctions on Charles Taylor and his associates.

*December 2003* The Council imposed the current sanctions regime.

*October 2003* NTGL inaugurated.

*September 2003* UNMIL established.

*August 2003* Economic Community of West African States (ECOWAS) and US troops arrived; Taylor exiled in Nigeria and CPA signed.

*July 2003* Insurgents intensified fighting.

*June 2003* Taylor indicted by the Special Court for Sierra Leone.

*2001* Arms embargo re-imposed to pressure Taylor.

*2000* Insurgents invaded Liberia from Guinea.

*1999* ECOWAS' Monitoring Observer Group (ECOMOG) left Liberia.

*1997* Taylor elected President.

*1992* The Council imposed an arms embargo on Liberia.

*1991* Fighters entered Sierra Leone with Taylor's support.

*1990* ECOWAS established ECOMOG.

*1989* Taylor entered Liberia with NPFL forces.

### Other Relevant Facts

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| <b>Special Representative of the Secretary General</b>   |
| Alan Doss (United Kingdom)   |
| <b>Size and Composition of Mission</b>   |
| <i>Total authorized strength:</i> up to 15,250 military personnel and 1,115 police.<br><i>Strength as of 30 September 2005:</i> 14,881 military personnel and 1,093 police.<br><i>Key troop contributors:</i> Bangladesh, Pakistan, Ethiopia and Nigeria |
| <b>Cost</b>  |
| 1 July 2005 - 30 June 2006: \$760.57 million   |
| <b>Duration</b>  |
| September 2003 to present.   |

Source: DPKO

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