



SECURITY COUNCIL REPORT

MONTHLY FORECAST

JANUARY 2007



22 December 2006

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

OVERVIEW FOR JANUARY

Russia will have the Presidency of the Council in January.

No thematic debate is expected. It is unclear whether there will be any major public debate. One possibility is the monthly session on the **Middle East**. It will be an important first indicator about the likely approach of the **new Secretary-General**. There will be interest in whether he chooses to participate personally and if so how he positions the UN on Middle East issues in the post-Kofi Annan era.

The Council will welcome five new members, Belgium, Indonesia, Italy, Panama and South Africa, who will bring interesting strengths and experience to the table. Belgium has a long history in Africa and a determination to play a positive role on African issues before the Council. Indonesia,

with the largest Muslim population in the world and significant public interest in Middle East issues, will bring added weight to Council discussions on those issues. **Italy**, in addition to being the sixth largest contributor to the UN regular budget, has deep experience and interest in the Horn of Africa and will shortly take over the leadership of the UN peacekeeping role in Lebanon. **Panama** played a leading and positive role as co-chair in the General Assembly negotiations on the establishment of the Human Rights Council. Panama's partner as co-chair in those negotiations was the other new Council member, **South Africa**. South Africa brings to the Council table extensive peacemaking and peacekeeping experience in Africa and recent leadership experience of the G77 and the Non-Aligned Movement (NAM). The changed composition of the

>>page 2

CONTENTS OF THIS ISSUE

Status Update since our December Forecast	3
Somalia	4
Sudan (Darfur)/Chad/CAR	5
Ethiopia/Eritrea	8
Nepal	9
Southern Sudan	11
Côte d'Ivoire	12
Lebanon	13
Haiti	14
Democratic Republic of Congo	16
Georgia	17
North Korea	18
Targeted Sanctions: Listing/De-listing and Due Process ..	19
Peacebuilding Commission	21
Notable Dates for January	24
Important Dates over the Horizon	24

Aide-Memoire

Important matters pending for the Council are:

- Two requests from the **2005 World Summit** related to the Council's work have seen little or no recent progress. Reforms to the **Military Staff Committee** have yet to be addressed. Council members established in May 2006 an ad hoc committee on **mandate review** to conduct the review of Security Council mandates called for by the Summit. By end of June, the committee made several minor recommendations on some preliminary issues but they are still to be considered by the Council and the Committee has not yet made progress on the major issues.
- The Secretary-General's recommendations on the status of the **Sheb'a Farms**, requested by resolution 1701, are still to be submitted.

- The Secretary-General's report on the **protection of civilians** in camps in Chad and on improving security along the border with Sudan requested in August in resolution 1706 is still pending as of this writing. (The report is now expected to include also the results of the Chad-Central African Republic assessment mission.)
- The Council is still to consider possible targeted sanctions under resolutions 1649 and 1698, as envisaged in the Secretary-General's 22 May report on foreign armed groups in the **DRC**. The Secretary-General's observations on sanctions against individuals obstructing action by MONUC, requested in resolution 1698, are still pending. It is possible that they will be presented in the next reports from MONUC (January) and the Group of Experts (expected to be issued in January as soon as the Sanctions

Committee approves its forwarding to the Council).

- On **Somalia**, the Council is still to follow up on its "intention to consider taking measures against those who seek to prevent or block a peaceful dialogue process, overthrow the Transitional Federal Institutions by force, or take action that further threatens regional stability" expressed in resolution 1725.
- A draft resolution on **Small Arms** circulated by Argentina in March has not been adopted.
- The December 2004 report by the Secretary-General on human rights violations in Côte d'Ivoire, requested by a presidential statement, has still not been made public. Also on **Côte d'Ivoire**, the December 2005 report by the Secretary-General's Special Adviser on the Prevention of Genocide has not been published.

Council means that NAM membership rises from four to seven (sufficient to block adoption of a resolution). EU membership remains constant at five.

Readers will notice some adjustments in this, our first *Monthly Forecast* for 2007. In the light of helpful feedback and suggestions this *Forecast* looks further ahead than the current month and previews three major issues coming up in February and March:

- renewal of the **MONUC mandate in the DRC** in February;
- renewal of the **MINUSTAH mandate in Haiti** in February; and
- an expected in-depth focus on **Lebanon** in March.

In response to requests for more in-depth analytical material, this *Forecast* contains items on:

- the Council decisions on **listing and delisting of individuals subject to targeted sanctions**—and **the implications for due process**; and
- The **Peacebuilding Commission and its relationship with the Security Council**.

Somalia is the lead item. The situation there seems to be worsening daily and the risks of wider regional conflict remain grave. The door may be still open for peace talks between the Transitional Federal Government and the Union of Islamic Courts, thanks to diplomacy by the EU and some regional neighbours. Our brief discusses various options for the Council to help promote a peace agreement. However, whether there are any such opportunities will depend on whether the current fighting extends into prolonged warfare. In any event, it does seem that resolution 1725 adopted in December may prove as ill fated as the Council's 1993 attempt to assert authority in Somalia in resolution 837, which in effect plunged the peacekeeping force into a war with General Aideed.

Darfur and the adjacent region seem to be at a critical turning point. Last ditch efforts were made in December by Kofi Annan, the US and the Council to find a way to get Khartoum to give meaningful consent to the details of the "hybrid" AU-UN operation. If such consent is forthcoming, efforts in January will focus on implementation, including the heavy lifting within the UN system to guarantee the funding. Under this scenario a more positive outlook for Darfur may be in the cards. The alternative is a

bleak one, both for the people of Darfur and the leadership in Khartoum. Sanctions will be back on the agenda along, no doubt, with other forms of multilateral and even unilateral action.

Although the mandate for **UNMIS in Southern Sudan** does not expire until April, in view of the fact that the Council seems close to reaching a make or break point with Sudan over Darfur, we have provided in this issue a brief covering recent developments in Southern Sudan.

The Council also seems poised to take decisions regarding a deployment in **Chad** and the **Central African Republic**. This is also intensely disliked by Khartoum, but how the details play out may depend on whether Sudan is cooperative over Darfur. How the operations are structured and the extent of the even-handedness as between the governments in N'djamena and Bangui on the one hand and the Khartoum leaning rebels on the other, remain open issues in the Council at present. Clearly there are concerns in the Secretariat about the risks of being perceived to be taking sides in these civil conflicts.

The border dispute between **Ethiopia/Eritrea** continues to simmer. Neither the Council nor the Secretary-General sees the continued deployment of a peacekeeping force as adding value in terms of its original mandate given the positions taken by the two parties. However, because of the tensions arising from developments in Somalia and the wider risks of conflict in the region involving both countries, it seems that UNMEE will get a reprieve and will continue in some form—probably reconfigured to reduce risks for the UN personnel.

A major new development is the inclusion of **Nepal** in the Council's work programme and approval of a multi-faceted UN mission is expected. There are sensitive issues in the background. Nepal has asked for military expertise to be included (but in a non-transparent way) and for a mandate that would normally in UN practice be undertaken by a mission with uniformed military personnel (but for it not to be called a "peacekeeping operation"). These requests will require some flexibility in terms of normal UN categorisation. It seems that the operation will be called a "political mission", but normally such missions are established under the Secretary-General's

good-offices authority and funded under the regular budget. In this case, however, there seems to be a sufficient security element to the proposed mandate for it to be a Security Council mandate and funded under the peacekeeping scale of assessments. However these and other sensitive issues, such as accountability for past war crimes and human rights abuses, are yet to be discussed in detail.

The Council is not expected to take any action on **Georgia**, although anything it can do to nudge the parties to restart political dialogue, in the light of the expected report and briefing from the Special Representative, would be welcomed. It will be interesting to see whether the issue can be discussed on its own merits or whether the looming discussion on Kosovo—now expected in March—will overshadow the situation. It may be that a fresh start on the various issues confronting Georgia will only be possible once some of the current uncertainty over the future of Kosovo is behind the Council.

North Korea and Iran have been major issues on the Council agenda in 2006 and we have covered both in detail in *Forecasts* and *Updates*. At press time the Council was poised to adopt a draft resolution imposing sanctions on Iran. The draft has much in common with resolution 1718 adopted in October imposing sanctions on North Korea and was previewed in detail in our *Update Report* of 15 December. We have included in this *Forecast* an overview of developments since October regarding North Korea, the work of the Sanctions Committee and the re-launching in Beijing of the six-nation talks. Looking ahead, we see a quiet period in the Council on this issue—provided all continues to go well with the six-nation talks. But it is too soon to make a similar assessment regarding Iran. Much now depends on Tehran's reaction to the resolution and whether a way is found to engage in negotiations. But, based on the recent statements from Iran and news reports of possible deployment of contingency naval forces to the region, we expect we will be covering the issue again soon. The next deadline for compliance is in late February.

Côte d'Ivoire is on the agenda for January for somewhat unexpected procedural reasons, as well as a deterioration of the

situation on the ground. It seems that the US blocked the renewal of the UNOCI mandate in December (now deferred till January) because they were unable to secure in sufficient time the necessary domestic approvals. However, it is actually timely to

have a focus for a further in-depth look at Côte d'Ivoire again early in the New Year. Recent announcements by President Gbagbo seem to reinforce his persistent trend away from the internationally agreed roadmap.



Status Update since our December Forecast

Recent developments on the situations covered in our December *Forecast* are covered in the relevant briefs in this issue. However, other interesting Council developments in December included:

- **Iran:** A resolution imposing sanctions on Iran was poised for adoption as this issue went to press. The resolution establishes a Sanctions Committee and imposes an embargo on trade in “proliferation-sensitive” items. Targeted asset freezes are also included, but not a travel ban.
- **Uganda:** The Secretary-General appointed Joaquim Chissano, the former president of Mozambique, as his Special Envoy for LRA-affected areas (S/2006/930).
- **Middle East:** The Council issued a press statement on 6 December welcoming the Gaza ceasefire and calling for an end to all aspects of terrorism and violence (SC/8889). On 12 December, the Secretary-General participated in a Council debate on the Israeli/Palestinian peace process (S/2006/956). A presidential statement reaffirmed the Council’s commitment to a two-state solution (S/PRST/2006/51).
- **Great Lakes Region:** On 20 December, the Council held a debate on the Great Lakes and issued a presidential statement welcoming the decision to establish a regional secretariat in Burundi and cooperate on the region’s security, stability and development. The Council also renewed Special Representative Ibrahim Fall’s mandate for a final period of three months (S/PRST/2006/57).
- **Protection of Journalists:** The Council action on the protection of journalists in armed conflict was close to adoption as this issue went to press. Initiated by France and Greece, the initiative does not create new obligations but refers to previously agreed language on the protection of civilians in armed conflict as in resolutions 1674 (on protection of civilians) and 1502 (on protection of humanitarian personnel), with a special emphasis on journalists.
- **International Criminal Tribunals:** On 15 December the Council was briefed by the ICTY and ICTR on their respective completion strategies (S/2006/898 and S/2006/951). Representatives of both tribunals stressed the importance of avoiding impunity of indictees (SC/8906).
- **Kosovo:** UNMIK Head of Mission and Special Representative for Kosovo, Joachim Rucker, briefed the Council on 13 December. He emphasised the Secretary-General’s view (S/2006/906) that maintaining momentum on the status process is essential (SC/8900). It is expected that the Council will focus on Kosovo in March. Rucker said any further delay could fuel instability.
- **Sanctions:** In resolution 1732 on 21 December the Council received the report of its Working Group on Sanctions and terminated the Group’s mandate.
- **Counter-Terrorism:** The comprehensive review of the Counter-Terrorism Executive Directorate was discussed in the Council on 20 December (S/2006/989). The Council reiterated its commitment to combat all forms of terrorism and stressed the importance of enhanced cooperation among the 1267, CTC and 1540 Committees, all of which deal with counter-terrorism issues, and the need to avoid duplication, especially in their requests to member states (S/PRST/2006/56).
- **Protection of Civilians in Armed Conflict:** The Council issued a press statement after the open debate on 4 December emphasising the Council’s commitment to translating the terms of resolution 1674 into concrete action (SC/8885).
- **Afghanistan:** On 7 December Ambassador Kenzo Oshima of Japan briefed the Council on the Council visiting mission to Afghanistan. The mission’s report (S/2006/935) highlighted the fragility of the country’s institutions and the challenges posed by the insurgency and the illicit narcotics trade. The report underlined the importance of moving forward with implementation of the Afghanistan Compact (SC/8891).
- **Iraq:** On 11 December the Council was briefed by the Special Representative for Iraq, Ashraf Qazi, and the US, representing the MNF. The Council issued a press statement welcoming an international conference on Iraq (SC/8895). On Kuwaiti missing persons/property the Secretary-General’s report (S/2006/948) was recognised by the Council in a press statement (SC/8899). Finally, the Council also considered the UNMOVIC report (S/2006/912) on 5 December with no discernable change in approach. The Secretary-General reminded the Council of the need to review the UNMOVIC mandate (S/2006/987).
- **Liberia:** Resolution 1731 renewed the Liberian diamond sanctions for six months (with a promise of review after four months) and the travel sanctions and arms embargo for a year.
- **Golan Heights:** The UNDOF mandate was extended to 30 June 2007 by resolution 1729. The Secretary-General’s UNDOF report stated that continuing tension in the region required a comprehensive approach covering all aspects of the Middle East problem (S/2006/938). A presidential statement followed supporting the Secretary-General’s view (S/PRST/2006/54).
- **Cyprus:** UNFICYP’s mandate was extended to 15 June 2007 by resolution 1728. The Secretary-General reported that the Special Envoy for Cyprus has continued to try and build trust between the two communities and mentioned the possibility of appointing a mediator to the country in the near future (S/2006/931).
- **Sierra Leone:** On 22 December, the Council adopted resolution 1733 extending UNIOSIL’s mandate for twelve months, as recommended by the Secretary-General in his latest report (S/2006/922).
- **Burundi:** On 21 December, the Council held consultations on Burundi prior to ONUB’s mandate expiry at the end of the month. A new UN Integrated Office in Burundi (BINUB) will continue peace consolidation activities and will coordinate the UN’s activity in the country.
- **Guinea Bissau:** The UNOGBIS mandate was renewed for one year in an exchange of letters between the Secretary-General and the Security Council until 31 December 2007 (S/2006/974 and 975).
- **Annual Report:** The Security Council adopted its annual report to the General Assembly (A/61/2) on 6 December (S/2006/942).

Expected Council Action

The Secretary-General's report under resolution 1725 is due on 6 January. It will be the first on a major crisis situation by the new Secretary-General and it will be an interesting test of his approach, particularly since the Council in December rejected the advice of his predecessor and his special representative and went ahead with approval for an Intergovernmental Authority on Development (IGAD) military mission in Somalia (IGASOM) in resolution 1725.

It seems that prospects for IGASOM's deployment have not improved since the adoption of resolution 1725. The security situation has continued to deteriorate with heavy fighting now reported around Baidoa.

Observers seem divided, with many believing that, far from helping, resolution 1725 actually contributed to the intensification of the crisis. Others seem to believe that it may have helped stimulate regional players and EU mediators to intensify efforts towards peace negotiations.

At time of writing, the intensification of the fighting perhaps indicated that options for negotiation were disappearing. Some will certainly have in mind options for boosting the Khartoum peace process. Other Council members may want to revert to the Council's intention to consider "ways to strengthen [the arms embargo's] effectiveness, including through targeted measures" and "measures against those that seek to prevent or block a peaceful dialogue process, overthrow the Transitional Federal Institutions by force, or take action that further threatens regional stability".

Having condemned on 22 December the outbreak of fighting around Baidoa and urged a resumption of negotiations it is possible that the Council will adopt a wait-and-see posture in the immediate future (S/PRST/2006/59).

Key Recent Developments

Resolution 1725 was adopted by consensus despite widespread hesitation in the Council and recommendations to the contrary from the Secretary-General and the special representative, who cautioned against IGASOM's potentially destabilising impact. European members sought and achieved some amendments to the US draft to emphasise balance, restrict the mission's mandate, exclude participation by neighbouring states and encourage political dialogue.

The Union of Islamic courts (UIC) denounced the resolution as contributing to further instability. It said it would view any IGASOM deployment as a hostile foreign intervention, and denounced Ethiopian military support for the Transitional Federal Government (TFG).

Ethiopia and the US renewed their public criticism of the UIC for expansionism and harbouring extremists, including Al-Qaida operatives.

One welcome sign was the launch of various initiatives by regional neighbours and the EU to persuade the TFG and UIC to pull back from hostilities and return to negotiations without preconditions. While those efforts seemed to produce some initial success, with the commencement of open hostilities it is unclear whether the UIC and the TFG will resume talks.

An interesting development had been the signals emerging from the UIC, particularly during talks with IGAD and in letters sent to Council members in December, which may suggest some options for the future. The UIC expressed:

- commitment to dialogue with the Transitional Federal Institutions (TFIs);
- respect for the territorial integrity of neighbouring countries and the implementation of agreements reached in the context of the Khartoum peace talks;
- interest in the deployment of international monitors to verify the presence of Ethiopian troops, whose withdrawal is a UIC precondition for talks with the TFG and with Ethiopia; and
- willingness to consider the deployment of an international mechanism to monitor the implementation of agreements reached with the TFG.

Some observers note nonetheless that the UIC is sending mixed signals, in particular with an increase in rhetoric questioning the legitimacy of the TFIs.

Internal UIC dynamics seem to be changing, perhaps in favour of more radical factions to the detriment of the more moderate wing of Sheikh Sharif Ahmed. Some observers suggest the adoption of resolution 1725 may have contributed to this.

Similarly, within the TFIs, the divide between the TFG and some members of the parliament—particularly the group led by Speaker Sharif Hassan Aden—is widening. Aden has reportedly recently engaged in further talks with UIC's Sheikh Sharif Ahmed under Yemeni auspices despite criticism from the

Somali transitional government.

Given the new circumstances on the ground, IGASOM's deployment now seems highly unlikely. There are reports that Sudan and Uganda are reluctant to contribute troops in the present security environment. No European donors have stepped up to fund the mission. The focus appears to have shifted to securing troop contributions from the wider AU membership, such as Nigeria, but it seems less likely that arrangements for funding and troops will materialise in the short run.

Options

Options for the Council include:

- adopting a wait and see posture;
- condemning the current hostilities and all external interference;
- edging towards greater support for dialogue (which may mean coming closer to language which accepts greater parity between both sides and perhaps the logic of an eventual sharing of power);
- signalling a willingness to support the deployment of international monitors if fighting subsides and dialogue resumes (perhaps as a way of addressing Ethiopia's concerns about UIC expansionism and opening the way to international monitoring of future agreements reached through the Khartoum process); and
- strengthening the arms embargo, perhaps through targeted sanctions

Key Issues

The key issue is whether security can be achieved in Somalia and the region through peace negotiations between the UIC and the TFG.

For some members, the answer to that seems to be no—and therefore the issue is how to contain the UIC and improve the TFG position. This would suggest more decisive support for a military option.

For others, the major issue is how to move towards a balanced approach and encourage both the TFG and the UIC to honour commitments on mutual recognition and power-sharing.

Another crucial issue is how best to contain external involvement, particularly the prospects of regional escalation including renewed war between Ethiopia and Eritrea, while also addressing Ethiopia's security concerns.

Council Dynamics

The negotiations on resolution 1725 highlighted the complex dynamics in the Council over Somalia.

The US and China (perhaps for somewhat different reasons) appear to have decided to lean decisively towards military support for the TFG and containment of the UIC.

African members seem to have supported the military option reluctantly, but largely because of a much earlier AU commitment to IGASOM (at a time when it was assumed it would be operating in a permissive environment).

Others, particularly European members, supported a more balanced approach that recognised the UIC as a practical reality and placed more emphasis on dialogue rather than the military option. Those members appear ready to explore strengthening the arms embargo.

There is wide but qualified sympathy for Ethiopia's concerns. This translates into reluctance to criticise its military support of the TFG, especially in the absence of some other viable policy to respond to the aggressive moves by the UIC.

It seems that all members are conscious of the need to avoid the worst-case scenarios of regional war or a dangerously protracted military standoff.

Concerns about the potentially destabilising impacts of a military option have grown in recent weeks. It is possible, especially as the dynamics in the Council change with the entry of five new members in January, that there will be voices seeking a more subtle shift towards addressing peace talks and the regional dimension.

There also seems to be a growing concern about the dangers of actions that:

- only result in further radicalisation of the UIC and marginalisation of the moderates in Mogadishu; or
- give the UIC incentives to further consolidate its territorial grip.

There continue to be differences in the Council over the UIC's intentions and its role in an acceptable future scenario for Somalia—especially one that might involve UIC-TFG power-sharing. For some, the UIC is a radical, expansionist and destabilising force that must be contained. Others see a need to test the credibility of the UIC's pledges about recognising the TFG and entering dialogue, especially if that helps to reinforce the position of UIC moderates.

UN Documents

Selected Security Council Resolutions

- S/RES/1725 (6 December 2006) authorised IGASOM.
- S/RES/1724 (29 November 2006) renewed the Monitoring Group's mandate.
- S/RES/733 (23 January 1992) imposed the arms embargo.

Latest Secretary-General's Report

- S/2006/838 (23 October 2006)

Latest Monitoring Group's Report

- S/2006/913 (21 November 2006)

Other Relevant Facts

Special Representative of the Secretary-General

François Lonseny Fall (Guinea)

Chairman of the Sanctions Committee

Nassir Abdulaziz Al-Nasser (Qatar)

For a full historical background, please see our January, September and December 2006 *Monthly Forecasts*.

Sudan (Darfur)/Chad/CAR

Expected Council Action

In January, Council members will be looking for concrete evidence that Khartoum is following through on its signals that a new Council statement (adopted on 19 December) would unlock consent for the proposed hybrid AU-UN operation in Darfur. Agreement on key aspects, such as mandate and size, were still pending at press time. It seems inevitable that discussions will turn to sanctions if concrete progress is not achieved soon.

At press time, the Secretariat seemed poised to unveil its advice on a UN operation in Chad and the Central African Republic (CAR). It is unclear whether members will want to discuss this issue immediately, but action seems more likely in January.

Key Recent Developments

The situation in Darfur, Chad and CAR continued to deteriorate in December. There are now reports of refugees from Chad and the CAR in Cameroon. Clashes in Darfur reached alarming levels. Two soldiers from the AU Mission in the Sudan (AMIS) were abducted in early December. Rebels who signed the Darfur peace agreement now threaten to denounce it if the *Janjaweed* militias are not disarmed.



Prompted by the Secretary-General, the Human Rights Council held a special session on Darfur on 13-14 December. It passed a resolution expressing concern and decided to send a high-level mission. A report is expected by the Human Rights Council's fourth session, which will start on 12 March 2007.

On 30 November the AU Peace and Security Council (PSC) adopted a communiqué endorsing a hybrid operation in Darfur, renewing AMIS until 1 July and deciding that:

- a special representative will be jointly appointed by the AU and the UN;
- a force commander shall be appointed by the AU in consultation with the UN;
- the UN will provide backstopping and command and control structures; and
- size will be determined after further consultations.

Sudan continued to prevaricate, questioning any UN role beyond technical, advisory and financial support. It also insisted that any troops deployed in Darfur be approved in advance by an AU-UN-Sudan tripartite commission.

A round of intensive diplomatic activity continues, with public hints from the US and the UK that sanctions could return to the agenda, and that other consequences would follow if Sudan does not allow the immediate implementation of the "lighter" assistance package and give consent in a written detailed agreement on the hybrid operation by the end of the year.

In mid-December, Khartoum seemed to signal to US envoy Andrew Natsios that it was ready to adopt the hybrid operation concept provided the Council first endorsed the results of the November AU consultations and the AU PSC communiqué.

The Council on 19 December adopted a presidential statement along the lines suggested by Khartoum and called for the Darfur support packages and hybrid operation to be implemented.

Against this background, Secretary-General Kofi Annan sent Ahmedou Ould-Abdallah of Mauritania to deliver a letter to Sudan outlining detailed elements of the phased

approach and seeking confirmation of Khartoum's position. The letter apparently uses the parameters on the mandate and robustness of a UN peacekeeping presence in Darfur, contained in the Secretary-General's recommendations in July 2006, as the minimum for the hybrid operation.

With the support of his successor Ban Ki-moon, Secretary-General Annan asked former General Assembly President Jan Eliasson of Sweden to serve as special envoy for the Darfur crisis. (Eliasson's mandate includes encouraging international players to remain engaged on Darfur and raising additional funding for AMIS.) Ban joined Annan at his last briefing to the Council on Darfur on 18 December.

The AU and the UN signed a memorandum of understanding on the "lighter" UN assistance package on 25 November. Deployment is stalled since Khartoum continues to insist that UN personnel be under AMIS overall, rather than only operational, command and control.

Initial consultations on the heavier package followed, including support for:

- the Darfur political process;
- communications, engineering, transport, intelligence and logistics; and
- police activities.

It is envisaged that UN military and police personnel will remain under AMIS operational control. Deployment could take four to six months and only after Khartoum's approval.

The chief prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, briefed the Council on 14 December and said there was sufficient evidence against individuals considered most responsible for serious crimes to present before ICC judges by February.

In Chad and the CAR, government forces with French military support succeeded in containing recent rebel advances. But the lethality and coordination of rebel attacks seem to have stepped up in tandem with mounting desertions from government forces in Chad. The Council issued a presidential statement expressing concern on 15 December.

Chad and the CAR have reportedly agreed in principle to the deployment of a UN mission along their borders with Sudan, but the practical implications remain unclear. The Chadian agreement came after a meeting in late November in which French Prime

Minister Dominique de Villepin pledged support to Chad against the rebels. Sudan seems to oppose UN deployment along the borders.

Observers note that the Chadian government appears to oppose dialogue with the rebels, and that the CAR may follow this stance.

A UN assessment mission visited Chad and the CAR in late November. However, in the absence of security, it was unable to visit the affected areas to assess requirements on the ground.

On 30 November, the Secretary-General indicated that new tasks for the UN Peacebuilding Office in the CAR (BONUCA) would include support for national dialogue and cooperation with the Central African Economic and Monetary Community (CEMAC) and other entities to address trans-border insecurity.

Options

On Darfur, available options are:

- pressure Sudan to realise in practice its "in principle" commitments to the hybrid operation while making sure that concessions to Khartoum do not compromise the force's credibility and effectiveness; and
- revisit sanctions should Sudan continue to impose practical impediments. This could include a relatively smaller package of measures (including further targeted sanctions); a stronger package (including commodity-specific economic sanctions); and/or enforcement of a no-fly zone. (Full-scale economic sanctions seem highly unlikely.)

On Chad and the CAR, options include:

- a UN presence to monitor and deter cross-border movements and assist the government with security in refugee camps. This option includes a multidimensional presence in eastern Chad—separate from the UN Mission in the Sudan (UNMIS)—with a mandate in the CAR. (But this could be seen as taking sides); or
- a mission with some similar characteristics but with a more clearly impartial role, i.e. with a strong political mandate linked to an inclusive political process.

Bearing in mind the Secretariat's concerns that any mission be able to operate in an even-handed way, another option would be requesting further clarification from the Secretariat prior to a final decision. (This could, however, delay a Council response on civil-

ian protection.) Members may also want to authorise in the meanwhile an advance mission to continue the assessment on size and force requirements.

Other possible steps include:

- supporting the appointment of a political dialogue facilitator for Chad (seemingly favoured by the Secretariat, although the Chad government appears reluctant); and
- demanding the establishment of a political process in Chad, the CAR and regionally.

Key Issues

On Darfur, the key issue is securing a firm Sudanese agreement to the hybrid operation. Members know even that may not mean Sudan will cease to create practical and perhaps fatal implementation difficulties.

The second issue is how to re-establish a peace process in Darfur and cease hostilities so as to avoid an excessive focus on peacekeeping. The rebels' position is unclear on talks on the basis of the Darfur peace agreement under AU-UN leadership.

Members are also aware that the next steps will require leadership from and Council support to the new Secretary-General given the number of key issues still open, including:

- the hybrid operation's practical mandate, size, composition and cost;
- the practical meaning of UN command and control structures in AMIS (especially considering Sudan's continuing objections); and
- approval from the General Assembly's Fifth Committee, which is likely to involve questions about UN procedures on mandate, procurement, control, management and accountability for UN assessed contributions.

In the event of a final agreement from Khartoum, question of a new Council decision endorsing the hybrid operation may become an issue. Most members will want to ensure that the final outcome should not undermine resolution 1706. On the other hand, the absence of an explicit decision could create an issue about clarity in command and control. It may also complicate discussions in the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the General Assembly's Fifth Committee.

Time will be of the essence. Deployment of a heavier assistance package and of the hybrid operation, assuming consent is obtained quickly, will take at least six months. This raises questions as to how much delay

might be tolerated before alternative approaches such as sanctions are raised.

The issues with respect to Chad and the CAR are not limited to the security situation. It will be difficult for the UN to overlook the importance of the domestic political situation in each country. Any deployments without a clear political process may be seen by Chadian rebels and N'Djamena as taking sides. The Council is also conscious of the issues posed by Sudan's opposition to deployments along the border.

Issues related to deployment in Chad and the CAR are:

- the mission's mandate, size and cost (especially bearing in mind the potential for criticism if the force is not robust enough);
- obtaining clear consent from Chad and the CAR;
- troop generation and the concerns of potential contributors (many in the Secretariat and among troop contributing countries are apprehensive about the availability of personnel, civilian as much as military);
- the need to devise ceasefires and political processes in both countries;
- the relationship with French military assistance to Chad and the CAR as well as the CEMAC military presence in the CAR (FOMUC); and
- coordination with the deployment of the Darfur hybrid operation.

Council Dynamics

The Council seemed united on the adoption of the 19 December statement. A spectrum of views remain within the Council on the optimum shape of a hybrid force, ranging from some more sympathetic to Sudan's position (Russia, China and Qatar) to others (the US, the UK and other European members) supporting a practical outcome closer to resolution 1706.

On sanctions, it remains to be seen whether there will be unity in the Council. Much may depend on how well or badly Khartoum actually behaves. But clearly there is a growing loss of patience. In the end, however, whether multilateral measures may or may not be agreed, unilateral financial and banking restrictions could have the greatest impact.

On Chad and the CAR, some members are interested in making sure that decisions are conceptually de-coupled from decisions on the hybrid Darfur operation. One of the most prominent concerns during negotiations on the presidential statement on Chad was avoiding mentioning resolution 1706.

Supporters of this approach—in particular France and some African members—seem sympathetic to the position of the Chadian and CAR governments and are reluctant to invoke the UN in the issue of a political process in either country. Those members are also likely to push for a speedy decision on a peacekeeping presence along the borders with Sudan.

Underlying Problems

Widespread abuse and attacks have prompted wide evacuations of UN and non-governmental staff. Observers note that these have reached record levels. Provision of humanitarian aid to 4.3 million civilians in the region faces an unprecedented risk of suspension.

UN Documents

Selected Security Council Resolutions

- S/RES/1714 (6 October 2006) extended UNMIS until 30 April 2007.
- S/RES/1706 (31 August 2006) set a mandate for UNMIS in Darfur.
- S/RES/1590 (24 March 2005) established UNMIS.

Selected Presidential Statements

- S/PRST/2006/55 (19 December 2006) endorsed the phased approach agreed upon by the AU PSC.
- S/PRST/2006/53 (15 December 2006) was the latest statement on Chad.
- S/PRST/2006/47 (22 November 2006) renewed BONUCA until 31 December 2007.

Selected Secretary-General's Reports

- S/2006/870 (8 November 2006) was the latest monthly report on Darfur at press time.
- S/2006/591 (28 July 2006) and Add. 1 (28 August 2006) made recommendations for UNMIS' mandate in Darfur and for UN assistance to AMIS. The report was complemented by an update, S/2006/645.

Other

- S-4/101 (13 December 2006) was the Human Rights Council decision on Darfur.
- S/2006/961 (6 December 2006) contained the 30 November AU PSC communiqué.
- S/2006/934 (30 November 2006) contained the new modalities for BONUCA.
- S/2006/795 (2 October 2006) was the latest Panel of Experts' report.



Other Relevant Facts

UNMIS: Special Representative of the Secretary-General

Jan Pronk (Netherlands)

UNMIS: Size, Composition and Cost

- Maximum authorised strength: up to 27,300 military and 6,015 police
- Strength as of 30 November 2006: 9,343 military and 680 police
- Key troop contributors: Bangladesh, India and Pakistan
- Cost: 1 July 2006—30 June 2007 \$1,126.30 million (excludes Darfur)

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2007

Head of AMIS

Ambassador Baba Gana Kingibe (Nigeria)

AMIS: Size and Composition

- Total authorised strength: about 10,000 military and 1,500 police
- Strength as of 1 September 2006: 5,703 military and 1,425 police
- Key troop contributors: Nigeria, Rwanda and Senegal

AMIS: Duration

25 May 2004 to present; mandate expires 1 July 2007

CAR: Special Representative of the Secretary-General

Lamine Cissé (Senegal)

BONUCA: Size and Composition

Strength as of 30 September 2006: 19 international civilians, 5 military advisers, 6 police

BONUCA: Duration

15 February 2000 to present; mandate expires 31 December 2007

FOMUC: Size and Composition

- Current strength: 380 troops
- Contributors: Gabon, Republic of Congo and Chad

FOMUC: Duration

October 2002 to present; mandate expires 30 June 2007

For the full historical background, please see our February, July and December 2006 *Forecasts*.

Ethiopia/Eritrea

Expected Council Action

The Council is expected to consider the Secretary-General's report on options for changes to the mandate of the UN Mission in Ethiopia and Eritrea (UNMEE). Given the lack of progress towards demarcation of boundaries, the Council seems likely to decide to reconfigure and further downsize UNMEE prior to the expiration of the mandate on 31 January.

Key Recent Developments

Tensions remain high in the Temporary Security Zone (TSZ). Eritrean soldiers and military vehicles entered the TSZ on 19 September 2006 limiting UNMEE's ability to patrol the area. Eritrea's ban on UN helicopter flights continues. Eritrea has restricted sale of fuel and poultry to UNMEE and refuses to recognise the Secretary-General's Acting Special Representative, Azouz Ennifar. As a result, UNMEE's capacity is considerably impaired.

In a significant decision, the Eritrea-Ethiopia Boundary Commission (EEBC) announced in November that because of serious impediments in fulfilling its mandate, it planned to demarcate the border on maps leaving the two countries to establish the physical boundary. Having rejected the proposal, both Ethiopia and Eritrea boycotted the 20 November EEBC meeting, which was attended by the Witnesses to the 2000 Algiers Agreement (the UN, the EU, the US and Algeria). Asmara insisted that the Algiers Agreement requires the EEBC, not the two parties, to implement the final and binding decision. Addis Ababa claimed that the EEBC was acting beyond its mandate.

On 28 November the EEBC decided to give Ethiopia and Eritrea one year to reach agreement on border demarcation. If no agreement is reached by November 2007, the locations established by the EEBC in its 2002 delimitation decision would take effect. While Eritrea has accepted the 2002 decision, Ethiopia insists that the town of Badme belongs within its territory.

At the time of writing, the US was preparing a statement to be issued by the Witnesses to the Algiers Agreement. This is expected to address the EEBC decision to give Ethio-

pia and Eritrea a year to resolve their differences over the boundary issue.

Options

Options are:

- terminate the operation;
- further reduce UNMEE's military strength (observation capability would be maintained and UNMEE would retain a presence in the TSZ);
- reduce military strength and move UNMEE solely to the Ethiopian side;
- transform UNMEE into an observer mission supported by a smaller military protection force (military observers would not be in the TSZ and would require cooperation of the parties to patrol within the zone); and
- convert UNMEE into a liaison mission with offices in Addis Ababa and Asmara (limited ability to assess the situation in the TSZ and likely restrictions from Eritrea).

Given the current restrictions on UNMEE and the current risks of wider conflict, maintaining the *status quo* does not seem a viable option at this stage.

Key Issues

Key issues include:

- whether by withdrawing UNMEE, the Council would in effect create or contribute to triggering the conditions for renewed conflict between Ethiopia and Eritrea;
- whether the Council should again become more actively involved in seeking a solution to the impasse over the border demarcation issue; and
- linkages with risks of a wider regional war in the Horn of Africa.

It remains unclear how the two parties' involvement in Somalia is affecting the Eritrean-Ethiopian border situation and whether Eritrea might become more active if Ethiopia's attention is increasingly diverted to the conflict in Somalia.

Council Dynamics

While there is frustration in the Council with the lack of progress on the border demarcation, most members are reluctant to make a decision that could be blamed for escalating conflict between the two countries. Mounting concerns over the wider regional dimension have therefore made members more cautious and likely to favour a conservative option. Some interesting dynamics could emerge in 2007 as new members join the Council, including Italy with its historical connection to the region.

Underlying Problems

Reconfiguring UNMEE at most sends a political signal about the Council's irritation. However, until Ethiopia's non-compliance with the EEBC border delimitation decision is directly addressed, it seems that Eritrea may continue to obstruct UNMEE as a way of registering its concern.

UN Documents

Selected Security Council Resolutions

- S/RES/1710 (29 September 2006) extended UNMEE until 31 January.
- S/RES/1681 (31 May 2006) extended UNMEE until 30 September and downsized the mission to 2,300 troops.
- S/RES/1640 (23 November 2005) demanded border demarcation and the lifting of restrictions on UNMEE.
- S/RES/1312 (31 July 2000) established UNMEE.

Selected Letters

- S/2006/905 (20 November 2006) was the letter from the permanent representative of Eritrea to the Council president on Eritrea's position on the EEBC's intention to reconsider the modalities of the Eritrea-Ethiopia boundary.
- S/2006/362 (2 June 2006) was the letter from the president of the EEBC to the Secretary-General containing a report on the EEBC meeting of 17 May.

Selected Secretary-General's Reports

- S/2006/749 (19 September 2006) was the latest report.
- S/2006/1 (3 January 2006) was the report with options for the future deployment of UNMEE.

Other Relevant Facts

Special Representative of the Secretary-General and Chief of Mission

Vacant, pending appointment

Size and Composition of Mission

- Authorised maximum strength: 2,300 troops.
- Strength as of 30 November 2006: 2,285 military personnel.
- Key troop contributing countries: India, Jordan and Kenya.

Cost

Approved budget: 1 July 2006 - 30 June 2007: \$182.24 million (gross)

Duration

31 July 2000 to present; mandate expires 31 January

Useful Additional Sources

- *Eritrea-Ethiopia Boundary Commission Press Release* 30 November 2006
- *Eritrea-Ethiopia Boundary Commission Statement and Annex* 27 November 2006

Nepal

Expected Council Action

The Council is expected to consider the report of the technical assessment mission to Nepal and to discuss the mandate for a UN mission in mid-January. A decision approving the mandate of the mission is likely.

Key Facts

The conflict between Nepal's government and the Maoist insurgents lasted ten years, killing approximately 13,000 and displacing up to 150,000. The human rights records of both sides have been subject to significant criticism. Abuses included attacks on civilians, the killing of surrendered combatants, arbitrary arrests, disappearances and torture. The Maoists became notorious for using child soldiers. Challenges for the peace process include accountability, establishing rule of law and dealing with a culture of impunity.

On 1 February 2005 King Gyanendra staged a coup against the civilian government, using the Maoist insurgency as rationale. By September 2005, dissatisfaction with his rule produced a political partnership between former foes, the Seven Party Alliance (SPA, a coalition of the main political parties) and the Communist Party of Nepal (Maoist). By April 2006, the Maoists and the SPA were working together to organise street demonstrations that led to the king relinquishing power 24 April and agreeing to reinstate parliament.

On 8 August a peace agreement, including a process leading to elections for a Constituent Assembly in mid-2007, was signed by the Maoists and the SPA. This was consolidated into a Comprehensive Peace Agreement on 21 November. On 28 November the two sides signed the Agreement on Monitoring of the Management of Arms and Armies, which was also signed by the Secretary-General's Personal Representative, Ian Martin, on 8 December.

Since 2005, the Office of the High Commissioner for Human Rights (OHCHR) has been represented in Nepal. In April 2006 it played a key role in providing information on the scale of protests outside Kathmandu. OHCHR's work led to support for a larger UN contribution to the peace process from Nepal's government. India, which had previously been concerned about a wider UN role, is now supportive. On 25 August the Secretary-General appointed Ian Martin, then head of the OHCHR office in Nepal, as his Personal Representative.

The Council has been watching the situation in Nepal, but has not sought to become actively involved in the peace process preferring to leave the matter with OHCHR as long as that path was proving fruitful.

On 9 August the SPA and the Maoists asked the Secretary-General for UN-provided monitors to oversee arrangements to manage arms and armed personnel and to assist in the peace process, including the proposed 2007 elections.

On 1 December, the Council took up Nepal for the first time. It decided to indicate support for the Secretary-General's proposal to send a technical assessment mission to Nepal to assess the number of UN personnel, logistical support and resources required. This future mission referred to as a "special political mission" will be a new hybrid involving monitors with military backgrounds and civilian personnel involved in the human rights and electoral processes. The parties made it clear that a peacekeeping mission with formed military units was not necessary in view of the levels of confidence in the security situation. The Council also supported the Secretary-General's request for an advance deployment of 35 monitors and 25 electoral personnel.

The multidisciplinary technical delegation spent a week in Nepal in mid-December, and its report is expected in early January. It is expected that the recommended mandate would include:

- assisting monitoring the code of conduct during the ceasefire;
- assisting in the management of arms and armed personnel on both sides;
- monitoring and verifying the confinement of Maoist combatants and their weapons in designated cantonment areas;
- monitoring the Nepal army to ensure that it remains in barracks and does not use weapons; and
- providing election observers.

It is expected that OHCHR will continue its human rights monitoring, and it has offered to share its investigations into human rights abuses in Nepal with the new government.

The mission is also expected to provide a chairperson and members for the Joint Monitoring Coordination Committee (JMCC) and team leaders for the Joint Monitoring Teams (JMT), mechanisms set up in the Agreement on Monitoring of the Management of Arms and Armies. The mission is likely to require up to 1,000 personnel, including local staff, and up to 200 military personnel to assist in arms management.

By the third week of December, the parties agreed on the interim constitution stripping King Gyanendra of his power and giving all executive powers to the prime minister. The long-term future of the monarchy will be decided by simple majority at the first meeting of the constituent assembly. This early agreement on the new constitution is crucial because only once it is implemented can the new government, formed with the Maoists as partners, begin to organise the constituent assembly elections.

Key Issues

One issue for the Council is the need to set up the mission quickly. Nepal's interim prime minister, Girija Koirala, said that the new constitution will not come into force until the Maoists lock up their arms under UN supervision. If the UN monitoring team is not quickly put into place the election is unlikely to be held by June 2007. Delays could lead to new agitation and possible violations of the peace agreement. There was talk in mid-December that 35 monitors might be deployed by the end of the year with an interim task force of Gurkhas (Nepali soldiers who have served in the Indian and British armies) until the UN monitoring strength is built up. Therefore, the Council may need to consider ways to encourage the UN bureaucracy to generate a quick deployment.

Another issue is the safety of UN monitors. They will be in civilian clothing and unarmed. They could be vulnerable should violence break out in the cantonments. However, the UN has significant experience of managing

risks for unarmed military observers. (The Maoists opposed decommissioning weapons and agreed only to store their heavy weapons in seven cantonments under UN monitoring. Light arms are not being locked up.)

Council members also see the fragility of the Maoist/SPA partnership as a major issue. Signs of discord emerged on 19 December when the Maoists called a strike by students and labour groups to protest the appointment of ambassadors without consulting them.

A future issue is the role the UN may eventually play in ensuring lasting peace. The political parties and the Maoists have requested a limited role for now. Over time the UN may be drawn into helping the Maoists integrate into the security forces or into setting up a Truth and Reconciliation Commission. In this regard, Council and UN positions on impunity could become an issue as well.

Council Dynamics

The Council decision in December was unanimous. However, before endorsing a new mission, some members will want to carefully scrutinise budgetary and personnel requirements to avoid being drawn into a larger peacekeeping role than is necessary. Council dynamics may also be affected by the fact that, during the conflict, some members had reluctantly supported the king on the basis that the Maoists were seen as a violent, radical and almost terrorist like entity. They will want to see assurances of fundamental changes in the behaviour of the Maoists before involving the UN too deeply. The Maoists have not relinquished their grip on the countryside and, even in December, there were reports of forced recruitment.

Options

The most likely option is for the Council to endorse the mission's mandate through a resolution. If there is concern about size or cost, the Council might defer a decision and ask the Secretary-General to make adjustments to the mission. But this is unlikely since there is pressure to set up the mission quickly. It is possible—but also unlikely—that the Council could prefer that the mission come under the auspices of the Secretary-General's good offices, in which case it would likely be approved by way of a letter to the Secretary-General rather than a resolution. The latter option would mean, of course, that the mission would need to be funded from the UN regular budget. The

difficulty of reopening budget priorities in the Fifth Committee of the General Assembly suggests that this is unlikely.

Underlying Problems

Accountability for human rights abuses committed by both sides will be a complex and possibly divisive issue. While there have been some attempts to investigate those responsible for killing and injuring demonstrators in April 2006, neither the government nor the Maoists appear intent on bringing to justice those involved in committing abuses over the years. A Truth and Reconciliation Commission is provided for in the peace deal, but its viability remains to be seen.

UN Documents

Selected Letter

- S/2006/920 (22 November 2006) was the Secretary-General's letter to the Council transmitting Nepal's request for UN assistance in the peace process.

Presidential Statement

- S/PRST/2006/49 (1 December 2006) expressed support for the Secretary-General's intention to send a technical assessment team to Nepal and noted that the Council would await formal proposals.

Historical Background

16 December 2006 The Maoists and SPA agreed on the interim constitution.

9 December 2006 The Secretary-General's Personal Representative to Nepal signed the Agreement on Monitoring of the Management of Arms and Armies.

1 December 2006 The Council endorsed the Secretary-General's proposal for a technical mission.

28 November 2006 Agreement on Monitoring of the Management of Arms and Armies signed by the Maoists and SPA.

21 November 2006 SPA and Maoists signed Comprehensive Peace Agreement ending the war.

8 November 2006 Maoists and SPA produced a signed peace understanding.

29 October 2006 Ceasefire extended for three months.

25 August 2006 Ian Martin was appointed as Secretary-General's Personal Representative to Nepal.

9 August 2006 Maoists and SPA sent parallel letters to UN Secretary-General requesting monitoring of arms and elections.

27 July–3 August 2006 UN assessment mission visited Nepal.

24 July 2006 Maoists wrote to UN protesting SPA's letter with reference to decommissioning.

2 July 2006 SPA wrote to Secretary-General proposing decommissioning of Maoist arms.

26 May 2006 Maoists and SPA signed ceasefire code of conduct.

26 April 2006 Maoists announced a unilateral three-month ceasefire.

24 April 2006 King Gyanendra surrendered power and agreed to reinstate parliament after street protests.

5 April 2006 Start of the people's movement with the SPA general strike and Maoist blockades.

January 2006 Maoists ended four-month ceasefire.

22 November 2005 Maoists and SPA agreed on a common platform for restoring democracy.

September 2005 Maoists announced a three-month ceasefire.

1 January 2005 King Gyanendra dismissed the government and assumed direct power.

August 2003 Maoists pulled out of peace talks and ended truce.

January 2003 Government and Maoists declared ceasefire.

4 October 2002 The king dismissed the prime minister and assumed executive power.

23 November 2001 Peace talks failed, and Maoists launched attacks on army and police posts.

July 2001 Truce agreed between the government and Maoists.

1 June 2001 King Birendra and members of his family shot to death by the crown prince.

February 1996 The Nepal Communist Party (Maoist) began their insurgency

1990 Pro-democracy agitation led to street

protests and deaths. The king agreed to a new democratic constitution.

1985 Nepal Communist Party (Maoist) began civil disobedience campaign for restoration of multi-party system.

1980 Constitutional referendum held following agitation for reform. The king agreed to allow direct elections to national assembly but on a non-party basis.

1960 King Mahendra seized control and suspended parliament, constitution and party politics after Nepali Congress Party won elections

1959 Multi-party constitution adopted.

1955 Nepal joined the UN.

Useful Additional Sources

- 22 November Comprehensive Peace Agreement between Government of Nepal and the Communist Party of Nepal (Maoist) <http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6VSHK8?OpenDocument>
- Agreement on Monitoring of the Management of Arms and Armies http://www.nepalnews.com/archive/2006/nov/nov28/Modalities_agreement_nov_28_final.doc
- *Nepal's Peace Agreement: Making it Work* International Crisis Group, Asia Report No. 125, 15 December 2006.
- *Nepal: From People Power to Peace?* International Crisis Group, Asia Report No. 115, 10 May 2006.

Southern Sudan

Expected Council Action

The quarterly Secretary-General's report on Sudan is due in January. Council action is not needed on the mandate of the UN Mission in the Sudan (UNMIS) since it expires on 30 April 2007. However, discussion of growing tensions and the linkages with the widening regional conflict is possible.

Key Recent Developments

Implementation of the 2005 north-south Comprehensive Peace Agreement (CPA) has met with mixed success. Most key appointments have been made at all levels and some major commissions and legislation have been set up, but the parties have not been able to adhere to some CPA deadlines.

Redeployment of the parties' troops, the forming of Joint Integrated Units (JIUs) and

the integration of other armed groups, in particular the South Sudan Defence Forces (SSDF) have led to renewed tension and clashes in violation of the CPA. Fighting took place in the southern town of Malakal in November, leaving 150 dead. Tensions seem to have abated somewhat in recent weeks under UNMIS auspices.

Difficulties have also arisen from the Government of South Sudan's (GOSS) lack of resources. A strike by southern Sudanese forces deployed in JIUs near Juba following the non-payment of salaries in mid-December led to two deaths.

Options

Options include:

- reinvigorating the Council's attention to CPA implementation, perhaps a presidential statement addressing recent tensions; and
- addressing more substantively the wider regional dimension, including the relationship between the CPA and the peace agreements in the east and Darfur.

Key Issues

The issue is whether to maintain Council focus on Darfur or, as part of a wider strategy to discourage unravelling of the CPA, to support mechanisms and timetables for implementation.

Another important issue involves the impact on CPA power-sharing structures from peace agreements in the east and Darfur. Both agreements, for example, call for twenty seats in the National Assembly for the rebels. A new peace process in Darfur could pose even greater challenges to the CPA's political balance.

Council Dynamics

An unprecedented degree of Council involvement and pressure marked the signing of the CPA, culminating in the Council meeting in Nairobi in late 2004.

However, acutely deteriorating conditions in Darfur coupled with Khartoum's negative approach to UN peacekeeping in that region has meant that Council attention has moved away from north-south matters. While there is no concrete progress on Darfur, some Council members will be reluctant to address north-south issues. However, others are conscious of the wider regional dimension.

Background to the CPA and Underlying Problems

In 1983, fighting broke out between the Sudanese government led by the National



Congress Party (NCP) and the Sudan People's Liberation Movement/Army (SPLM/A). Mediation efforts culminated in the CPA, signed on 9 January 2005, marking the end of a war in which an estimated two million were killed, four million were internally displaced, and 600,000 sought refuge in neighbouring countries.

The CPA provides a six-year interim period during which a census and general elections will be carried out, ending in 2011 with a referendum on independence for the south. Key provisions include the following:

- Power-sharing: structures include the Government of National Unity (GNU), the GOSS, and state governments. The NCP was allotted 52 percent of seats and the SPLM 28 percent in the GNU. In the GOSS, the NCP was allotted 15 percent and the SPLM 70 percent. At the state level, in the north (including the Darfur states), the NCP will retain 80 percent and the SPLM 10 percent, and the reverse proportion in the south.
- Wealth-sharing: a National Land Commission will arbitrate on land and compensation. Oil revenues are to be divided among the producing states, the GNU and the GOSS. (The majority of oil fields are located in the south.)
- Security arrangements: an internationally monitored ceasefire was agreed, with the redeployment of northern and SPLA troops. Each side will maintain separate armed forces apart from JIUs. Other armed groups are to choose a side or demobilise.
- The future of the contested areas such as Abyei (with a separate referendum in 2011), Southern Kordofan and Blue Nile.

In March 2005, the Council created UNMIS to support implementation of the CPA, assist with the return of refugees and internally displaced persons, conduct disarmament, demobilisation and reintegration (DDR), and protect civilians in imminent danger.

The GNU's inauguration and the enactment of the constitution in July 2005 marked the beginning of the interim period. The NCP retained 15 ministries (including energy, interior and defence) and the SPLM, eight.

Additional appointments were made in October 2006 under the Darfur Peace Agreement, and more are expected for the Eastern Sudan Peace Agreement.

Implementation of the CPA is lagging and faces considerable difficulties in:

- setting up key commissions and related legislation, especially involving elections, land, political parties, national security and human rights;
- progress with victims' compensation, new oil contracts and disbursements under multi-donor trust funds, especially in the south;
- redeploying forces and establishing JIUs and DDR commissions; and
- following up on the Abyei boundary issue.

UN Documents

Selected Security Council Resolutions

- S/RES/1714 (6 October 2006) extended UNMIS until 30 April 2007.
- S/RES/1706 (31 August 2006) set a mandate for UNMIS in Darfur.
- S/RES/1590 (24 March 2005) established UNMIS.
- S/RES/1574 (19 November 2004) was adopted in Nairobi and expressed support for the Sudanese peace processes.

Selected Secretary-General's Report

- S/2006/728 (12 September 2006) was the latest quarterly report on Sudan.

Other

- S/2005/78 (8 February 2005) contains the CPA.

Historical Background

14 October 2006 The Eastern Sudan Peace Agreement was signed.

5 May 2006 The Darfur Peace Agreement was signed.

September 2005 The Council of Ministers was formed.

31 August 2005 The new National Legislature convened.

11 August 2005 Salva Kiir was sworn in as vice president after the death of John Garang.

9 July 2005 The GNU was inaugurated.

24 March 2005 UNMIS was established.

9 January 2005 The CPA was signed.

19 November 2004 The Council met in Nairobi to express support for the north-south peace process.

Other Relevant Facts

UNMIS: Special Representative of the Secretary-General

Jan Pronk (Netherlands)

UNMIS: Size, Composition and Cost

- Maximum authorised strength: up to 10,000 military and 715 police (excludes Darfur)
- Strength as of 30 September 2006: 9,343 military and 680 police
- Key troop contributors: Bangladesh, India and Pakistan
- Cost: 1 July 2006—30 June 2007 \$1,126.30 million (excludes Darfur)

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2007

Useful Additional Sources

- The CPA Monitor, available at www.unmis.org/english/cpaMonitor.htm

Côte d'Ivoire

Expected Council Action

In January, the Council is expected to renew the mandates of the UN Operation in Côte d'Ivoire (UNOCI) and the French Licorne forces until 31 October 2007. Both mandates expire on 10 January.

Key Recent Developments

Relations between President Laurent Gbagbo and Prime Minister Charles Konan Banny remain tense. In late November, there were demonstrations against President Gbagbo when he reinstated government officials who had been suspended over a toxic waste scandal that caused many deaths in September. An investigating commission established by Prime Minister Banny found the officials responsible for neglect.

The International Working Group (IWG), meeting on 1 December in Abidjan, issued a communiqué condemning the president's dismissal in November of the heads of the state-run newspaper *Fraternité Matin* and of Ivorian Radio Television (*Radiodiffusion Télévision Ivoirienne*, or RTI). The IWG said this decision undermined neutrality and impartiality of the public media and therefore violated the peace agreements. The IWG also called for sanctions against members of the Republican Guards who had denied UNOCI access to the prime minister's office to ensure his security.

On 15 December the Council adopted a technical rollover of UNOCI until 10 January. France had previously circulated a draft resolution:

- renewing the mandate of UNOCI and of the French forces until 31 October 2007 with a review process in June;
- prolonging the temporary increase of UNOCI troop levels of up to 850 additional personnel and a ceiling of 725 civilian police personnel as authorised in resolution 1609;
- reinforcing the mandate of UNOCI to ensure better protection of RTI's neutrality and impartiality and to provide additional logistical assistance to the disarmament programme and organisation of elections; and
- expressing willingness to transfer troops from the UN Mission in Liberia (UNMIL) to UNOCI.

However, the US could not adopt the proposed resolution due to delays with its internal procedures. The technical rollover was therefore necessary to avoid expiration of the UNOCI mandate on 15 December. As a result, the substantive resolution will be considered in mid-January.

On 15 December the Council, in resolution 1727, renewed until 31 October 2007 the sanctions regime established in resolutions 1572 and 1643. It also requested neighbouring states to report to the sanctions committee within ninety days on steps taken to implement the arms and diamonds embargoes. The last report of the Panel of Experts noted violations by Mali and Ghana.

On 19 December, apparently trying to sideline the UN-backed peace process, President Gbagbo announced his own plan to end the political crisis based on negotiating directly with the rebels, eliminating the north-south buffer area known as the "zone of confidence," establishing a national "civic service" to provide young people with job skills, giving amnesty to the rebels, and allowing people displaced by the conflict to return home. However, the plan did not address critical issues for the electoral process such as the status and identification of voters.

On 21 December the Council endorsed the IWG's communiqué in a presidential statement.

Options

The Council has the following options:

- renew the mandate of UNOCI at current force levels until 31 October 2007 with the

- proposed expanded mandate;
- follow the Secretary-General's recommendations and renew the mandate of UNOCI until 31 December 2007;
- approve the Secretary-General's requests to increase UNOCI's troop level by three battalions; and
- authorise a transfer to UNOCI of a battalion due to leave Liberia at the end of 2006.

Key Issues

In January the political issues will largely remain the same as in December (please see our December *Forecast*).

Council Dynamics

During negotiations on the French draft, the US reportedly had reservations about some provisions on UNOCI's role of guaranteeing security and neutrality of the RTI, redeployment of UNOCI and French forces from the "zone of confidence to protect cantonment sites, and commitment to provide additional logistical support to the disarmament, demobilisation and reintegration programme. The US is also reluctant to increase the UNOCI troop level.

But the overall support for the renewal of UNOCI is strong and is not expected to change with the presence of new Council members. It is noteworthy, however, that South Africa has played a leading role on Côte d'Ivoire in the AU context and at times this has been controversial. It remains to be seen how this will play out in Council dynamics.

At press time, Council members are considering a list of names for targeted sanctions, proposed by France. It seems that China and Russia may be in favour, although sanctions are less likely to be adopted in January given the need for a new Chair of the Sanctions Committee and an inevitable settling-in period.

UN Documents

Selected Security Council Resolution

- S/RES/1727 (15 December 2006) renewed the sanctions regime in Côte d'Ivoire until 31 October 2007.
- S/RES/1726 (15 December 2006) renewed the mandate of UNOCI until 10 January 2007.
- S/RES/1721 (1 November 2006) prolonged by one year the transitional period in Côte d'Ivoire and reinforced the powers of the prime minister.

Latest Presidential Statement

- S/PRST/2006/58 (21 December 2006)

endorsed the IWG communiqué and reiterated support for the prime minister.

Latest Secretary-General's Report on UNOCI

- S/2006/939 (4 December 2006)

Latest Report by the Sanctions Committee

- S/2006/964 (8 December 2006) noted that diamonds are being smuggled out of Côte d'Ivoire via Mali and Ghana in violation of the embargo and that criminal networks are also smuggling arms into Côte d'Ivoire.

Selected Letter

- S/2006/950 (7 December 2006) was a letter from the Secretary-General enclosing the 11th IWG communiqué.

Other Relevant Facts

Special Representative of the Secretary-General

Pierre Schori (Sweden)

High Representative for the Elections

Gérard Stoudmann (Switzerland)

Size and Composition of UNOCI

- Authorised strength as of 2 June 2006: Up to 8,115 military personnel and up to 1,200 police
- Strength as of 30 November 2006: 8,044 military personnel and 992 police
- Key troop-contributing countries: Bangladesh, Morocco, Ghana and Pakistan

Cost

1 July 2006 - 30 June 2007 \$438.17 million

Lebanon

Expected Council Action

The Council will follow closely political developments in Lebanon. No action is expected unless the situation deteriorates.

The Council is awaiting the Secretary-General's recommendations on the delineation of the Lebanese border in the Sheb'a Farms area and the wider situation in Lebanon pursuant to resolution 1701. The Secretary-General appointed a senior cartographer to determine the territorial definition of the Sheb'a Farms. A major focus by the Council on Lebanon can be expected in March. For details on the outstanding responsibilities of the various parties please see our *Special Research Report* on Resolution 1701, issued on 25 September 2006.



Key Recent Developments

Since late November, Lebanon has been beset by yet another political crisis. The current crisis originated with a request by Shi'a ministers from the pro-Syrian Hezbollah and Amal parties—along with their Maronite ally, the Free Patriotic Movement (FPM) led by Michel Aoun—to form a government of national unity in which they would have minority blocking power over cabinet decisions. They have boycotted the cabinet since talks with the anti-Syrian "March 14" government coalition collapsed. (Please see our December *Forecast*).

The cabinet has approved the status and constituting treaty of the international tribunal to try suspected perpetrators of the assassination of former Lebanese Prime Minister Rafik Hariri. But the Syria-backed president, Emile Lahoud, has refused to sign the documents on the grounds that the cabinet session was illegitimate in the absence of Shi'a ministers. The agreement nevertheless was sent by the cabinet to the parliament for ratification; the President has no veto powers over legislation. Nabih Berri, the president of parliament and a member of the opposition, has blocked parliamentary sessions on the issue.

Critics say the pro-Syrian opposition is using the tribunal as leverage over the government to obtain more power. But for the anti-Syrian prime minister, Fouad Siniora, the opposition's approval of the tribunal is a necessary condition for any agreement on other contentious issues.

The Arab League is mediating and making some progress, although there has been no breakthrough at press time.

The opposition began massive protests in Beirut on 1 December, pressuring Prime Minister Siniora to form a unity government or resign. On 18 December the opposition called for early parliamentary elections. There have been large pro-government rallies in other parts of the country.

On 12 December the Council adopted a presidential statement after receiving the latest Secretary-General's report on the situation (please see our 8 December *Update*). The Council gave full support to the Siniora

government and democratic institutions conforming to the constitution, and condemned efforts to destabilise Lebanon. It expressed deep concern at continuing Israeli violations of Lebanese airspace and unverified reports of illegal movements of arms into Lebanon. The Council called on Syria to reinforce border controls and expressed its intention to consider further steps to implement the arms embargo. It expressed concern at unexploded ordnance specifically mentioning "cluster munitions" in southern Lebanon since last summer, and looked forward to further recommendations on the Sheb'a Farms issue. Finally, the Council asked the Secretary-General to report on a quarterly basis on implementation of resolution 1701 (the next report is now due 1 March 2007).

On 12 December the Council received the sixth report of the UN International Independent Investigation Commission (UNIIC) on the assassination of Rafik Hariri. Chief Commissioner Serge Brammertz reported that the investigation was now far advanced but for legal reasons revealed few details. He noted that Syrian cooperation with the Commission had been "timely and efficient," but that other states had been uncooperative. Brammertz's appointment has been extended until 15 June 2007.

Options

It is unlikely that the Council will consider action in January unless the political situation deteriorates or there are major incidents either involving arms smuggling or Israeli violations, in particular any incident relating to Israeli over-flights.

Key Issues

Council members are concerned about the political situation and want to play a positive role but, at this sensitive stage, do not want to be accused of engaging in any outside interference that could provide Hezbollah with additional arguments to oppose the March 14 coalition.

The issue of wider linkages among the various problems in the Middle East, as discussed by the Secretary-General in his briefing to the Council on 12 December, remains on the table. Whether incoming Secretary-General Ban Ki-moon will pursue the same approach remains an important question.

Council Dynamics

There is no consensus within the Council on how to address the Lebanese political crisis. France, the US and the UK seem

inclined to go further by explicitly supporting the Siniora government. Russia and Qatar appear to be more reluctant.

The arrival of new members in January may shift Council dynamics. South Africa and Indonesia are expected to have a closer interest than their predecessors in Lebanon and the Middle East, including in engagement with Syria and Iran. South Africa, a strong voice within the Non-Aligned Movement, may be more vocal in rejecting outside involvement in Lebanon.

Selected UN Documents

Security Council Resolutions

- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Israel and Hezbollah, authorised a reinforcement of UNIFIL and extended the mandate until 31 August 2007.
- S/RES/1680 (17 May 2006) encouraged Syria to delineate its common border with Lebanon and called for further efforts to disband and disarm militias.
- S/RES/1559 (2 September 2004) urged Syria's withdrawal from Lebanon and the disbanding of militias.

Last Presidential Statement

- S/PRST/2006/52 (12 December 2006) welcomed the Secretary-General's report on resolution 1701 and reiterated its support for the current Lebanese government.

Reports of the Secretary-General on Resolution 1701

- S/2006/933 (1 December 2006)
- S/2006/730 (12 September 2006)
- S/2006/670 (18 August 2006) Report of the Secretary-General on the Middle East
- S/2006/956 (11 December 2006) stated that the illegal weapons supply to Hezbollah and the Israeli over-flights of Lebanese airspace were sources of tensions in Lebanon, and noted that both Iran and Syria had a responsibility to contribute to Lebanon's independence, sovereignty and territorial integrity.

Last UNIIC report

- S/2006/962 (12 December 2006) Letters
- S/2006/998 (14 December 2006) and S/2006/999 (19 December 2006) were letters on the extension of the appointment of Serge Brammertz as UNIIC's Commissioner until 15 June 2007

- S/2006/937 (4 December 2006) was a letter from Lebanon enclosing a statistical table showing the number of Israeli violations committed in November.
- S/2006/865 (3 November 2006) was a letter from Syria denying the reports of arms shipments from Syria into Lebanon.

Other Relevant Facts

UNIIC Chief Commissioner

Serge Brammertz (Belgium)

Secretary-General's Personal Representative to Lebanon

Geir O. Pedersen (Norway)

UNIFIL Force Commander

Major-General Alain Pellegrini (France)

Size and Composition of UNIFIL

- As of 15 December 2006: 11,018 military personnel including 9,124 ground troops and 1,747 naval personnel
- Troop-contributing countries: Belgium, Bulgaria, China, Denmark, Finland, France, Germany, Ghana, Greece, India, Indonesia, Ireland, Italy, Luxembourg, Nepal, Norway, Poland, Portugal, Spain, Sweden and Turkey

Cost (approved budget)

1 July 2006 - 30 June 2007 \$97.58 million (gross): this amount does not yet take into account the financial implications of UNIFIL's expansion.

Useful Additional Sources

- *Lebanon at a Tripwire*, International Crisis Group, Middle East Briefing No. 20, 21 December 2006.

Haiti

Expected Council Action

The Secretary-General's report on the UN Stabilization Mission in Haiti (MINUSTAH) will be available in January. However, no formal Council action is expected since MINUSTAH's mandate does not expire until 15 February 2007. Informal discussions in January are likely, particularly among the Group of Friends of Haiti (Argentina, Brazil, Canada, Chile, France, Peru and the US).

Key Recent Developments

On 15 August, the Council renewed MINUSTAH's mandate for six months, with new tasks, based on the Secretary-General's recommendations, including:

- deploying 16 corrections experts to help the government address shortcomings of the prison system;

- expanding assistance to the government to strengthen state institutions, especially outside the capital;
- maximising the crime prevention role by adding specialised police capacities and expertise in anti-gang operations and corrections;
- adapting its disarmament, demobilisation and reintegration (DDR) programme to local conditions, with emphasis on reducing community violence; and
- providing assistance for the reform of the justice sector.

MINUSTAH's troop levels were reduced by 300 to 7,200 troops while police officers were increased by fifty to 1,951 with a call for more Francophone officers.

The government adopted the National Police Reform Plan on 8 August, but the Strategic Plan for the Reform of Justice has still to emerge.

A National Commission on Disarmament, Dismantlement and Reintegration was created on 29 August by the government. Cooperating with this commission and UNDP, MINUSTAH's DDR unit is now focusing on five areas: the disarming and reintegration of gangs, the re-integration of youth, the re-integration of women, legislation to control arms, and community disarmament. The government has endorsed this program.

The security situation continues to cause problems. In November, two Jordanian MINUSTAH peacekeepers died from injuries received in clashes with gangs in Port-au-Prince. The Council held consultations and issued a press statement on 16 November, reiterating support for the Haitian government and for MINUSTAH.

After several months of delay, municipal and local elections were held on 3 December. Despite some violent incidents and a very low voter turnout, the UN said it was satisfied with the process.

Key Issues

In January, the Group of Friends is likely to discuss the Secretary-General's recommendations and seek a common position in preparation for Council meetings in February and the renewal of MINUSTAH's mandate.

Several issues are involved.

- **The size of MINUSTAH:** It seems likely that the Secretary-General will recommend that current troop levels remain.

But there is an issue of whether to return to the original level of 6,700 troops and 1,600 civilian police, given that the elections and the electoral process—the main reason for the increase to 7,200 troops—have concluded. Against that, MINUSTAH has been able to improve security in most parts; in the most violent area, the Port-au-Prince neighbourhood of Cité Soleil, the security situation remains extremely fragile.

- **The period of the mandate renewal:** The Secretary-General is likely to recommend a one-year renewal. However, members will be conscious of traditional concerns by China regarding Haiti's policies towards Taiwan and some assessment of the current state of the issue is likely to figure in informal discussions.
- **Haitian police reform:** The Group of Friends will share assessments of progress.
- **Reform of the justice sector:** There will be concern that the reform plan has not yet been adopted by the Haitian authorities. The Group of Friends may want to accelerate the process.
- **DDR:** The Group of Friends may also want to discuss the new approach for DDR adopted by MINUSTAH.

Council Dynamics

Most Council members seem inclined to maintain current MINUSTAH troop levels and are reluctant at this stage to foreshadow any future withdrawal, fearing that it could increase the potential for destabilisation.

But there are different views on priorities for MINUSTAH. The US and the UK attach importance to security issues and regard the DDR process as a main priority. Others believe that strengthening state institutions is the most crucial measure and, accordingly, that police and justice reforms should be priorities. Denmark had put a special emphasis on human rights but will no longer be in the Council. The Latin American countries have stressed that socioeconomic development is the primary goal. Therefore, they support MINUSTAH's labour-intensive quick-impact projects, such as infrastructure rehabilitation, which also have the benefit of reinforcing the visibility and credibility of the international community in Haiti.

Peru will take over leadership on Haiti in the Council when Argentina departs.



Underlying Problems

While the situation in Haiti after the elections is positive in general, significant caution remains due to underlying problems. Violence remains widespread. State institutions are far from stabilised. In 2006 Transparency International rated Haiti as the most corrupt country on earth.

Local and international NGOs believe violence stems from the lack of socioeconomic development, poverty and the absence of a state presence, including the rule of law. Some violence is politically motivated. Also, because DDR programmes had been primarily focused on the former Haitian army, other factions behind much of the violence have not been addressed. Today, the main problem seems to be that DDR programmes still do not provide gang members, especially gang leaders, with incentives to cease their activities.

On the economic front, it is noteworthy that during a donors' conference in Madrid on 29 November, Haitian Prime Minister Jacques Edouard Alexis said that 99 percent of the pledges made in July 2006 had still not been met.

Selected UN Documents

Most Recent Security Council Resolution

- S/RES/1702 (15 August 2006) prolonged the mandate of MINUSTAH for six months with the intention to renew for further periods.

Most Recent Presidential Statement

- S/PRST/2006/22 (15 May 2006) congratulated René Prével on his inauguration as president of Haiti and underlined that many challenges remain to be tackled.

Latest Secretary-General's Report

- S/2006/592 (28 July 2006)

Latest Letter

- S/2006/726 (31 August 2006) was a letter from the Secretary-General conveying a letter from Haiti confirming the adoption of the police reform plan and enclosing a copy of the plan.

Other Relevant Facts

Special Representative of the Secretary-General

Edmond Mulet (Guatemala)

Force Commander

Lieutenant General José Elito Carvalho Siqueira (Brazil)

Size and Composition of Mission

- Current strength (30 November 2006): 8,360 total uniformed personnel, including 6,668 troops and 1,692 police
- Key troop contributing countries: Brazil, Uruguay, Sri Lanka, Jordan, Nepal, Argentina, Chile

Cost

1 July 2006 - 30 June 2007: \$510.039 million

Useful Additional Sources

- *Disarmament, Demobilisation and Reintegration: What Role Should the EU Play in Haiti? Recommendations for Change*, Action Aid International, October 2006.
- *Haiti: Security and the Reintegration of the State*, International Crisis Group, Latin America/Caribbean Briefing No. 12, 30 October 2006.

Democratic Republic of the Congo

Expected Council Action

The Secretary-General's report on the future of the UN Mission in the DRC (MONUC) is expected in January. Some discussion is possible, but decisions are more probable in February since MONUC's mandate expires on 15 February.

However, at press time, Council members seemed ready to agree on re-hatting to MONUC the troops borrowed from the UN Operation in Burundi (ONUB), which expires on 31 December.

The Group of Experts' midterm sanctions report, expected for January, will include recommendations adjusting the sanctions to better curb the illegal use of natural resources to finance militias in the east. Action by the sanctions committee does not seem likely in January.

Key Recent Developments

On 26 November, the DRC's Supreme Court confirmed President Joseph Kabila's victory in the presidential elections. Rival

candidate Jean-Pierre Bemba is reported to be interested in leading the opposition and running for the Congolese senate in elections at provincial assemblies in late December.

The Secretariat has started consultations with the new government and key stakeholders on the future of MONUC.

The mandate of the EU force in the DRC (EUFOR RD Congo) expired on 30 November. Withdrawal should be completed by January.

In late November, fighting broke out in the eastern province of North Kivu, pitting government forces against militias loyal to dissident General Laurent Nkunda, displacing 150,000. After MONUC troops intervened, the militias seemed to retreat. Observers note that the government has been trying to persuade Nkunda to integrate into the new army. At press time, it seems that a cessation of hostilities deal was reached on 20 December.

Accountability concerns have arisen over the appointment of reported serious human rights violators—including Kyungu Mutanga (alias Gédéon), Peter Karim and Matthieu Ngudjolo (listed in the DRC sanctions list)—for positions in the Congolese armed forces. Violators could receive amnesties as part of the cessation of hostilities and integration of Ituri militia in the army, following agreement in early December to disarm and demobilise about 5,000 militiamen.

The second Great Lakes summit took place on 14-15 December in Nairobi. The DRC, Burundi, Rwanda, Uganda and Tanzania signed a security, stability and development pact, with reports of agreement on a security action plan to disarm militias and to “refrain from, prevent and punish” serious crimes. A secretariat, expected to be based in Burundi under Ambassador Liberata Mulamula of Tanzania, will be responsible for follow-up on implementation. In a statement after an open debate on 20 December, the Council commended the countries in the region for the conclusion of the summit and extended the mandate of the Office of the Special Representative of the Secretary-General (SRSG) for the Great Lakes for a final period until 31 March 2007, “with a view to ensuring regional ownership of the follow-up mechanism and completing successfully the transition to the Conference Secretariat.”

Options

Options for the Council include the following:

- Deciding when to withdraw MONUC. This could involve consolidation over two to three years—following the model of the UN Mission in Liberia (UNMIL)—then substantial phasing down in parallel with progress on security and subject to peacebuilding benchmarks.
- Deciding future activities, perhaps with emphasis on disarmament, demobilisation, repatriation, reinstallation and reinsertion (the revised UN DDR standards issued in December 2006 are timely in this regard), security sector reform (SSR), extending state authority and good governance. It seems unlikely that MONUC will be involved in forceful disarmament. SSR activities seem likely to concentrate on police training.
- Furthering work on sanctions, including consultations with the new government about possible targeted lists under resolutions 1649 and 1698 and measures on natural resources. (The 18 July report of the Group of Experts recommended that the Council declare illegal exploitation of natural resources a sanctionable act.) This may require consultations with the new government, but its position is unclear.

Key Issues

The key issue will be MONUC's post-election role in maintaining security and helping consolidate state institutions in the DRC.

Cost and management pressures on the UN's limited peacekeeping resources and pressure from other crises are likely to be increasingly important issues in future discussions.

Council and Wider Dynamics

Positions on MONUC's future are unlikely to emerge until both the recommendations of the Secretary-General and the new government's position become clear. There is concern about the Burundi precedent, where the new government's decision to go it alone within one year is already leading to heightened concern about human rights, governance and long-term stability.

Most Council members expect the UK, the US and France to propose names for additional lists for targeted sanctions lists. When, or if any proposals will emerge remains unclear. There is enthusiasm for measures on natural resources as a necessary step towards bringing stability to the DRC, but

it is unclear whether members would want to focus on that at this point. Most members are likely to be guided by the DRC government's position on this matter.



calling for recognition of the secession of Abkhazia and South Ossetia from Georgia and the possible incorporation of these provinces into Russia.

On 13 October, the Council in resolution 1716 encouraged the resumption of joint patrols on 12 October by UNOMIG and Commonwealth of Independent States (CIS) peacekeepers in the upper Kodori Valley. But so far, only one joint patrol has taken place due to the current tensions and the underlying Georgian concern that the CIS peacekeepers are Russian. (Georgia continues to push for their replacement by an international force.)

On 26 October, UNOMIG investigated reports that three rockets had been launched from Abkhazia into the upper Kodori Valley.

Russia has maintained the retaliatory measures it imposed against Georgia in October after Georgian authorities briefly held four Russian soldiers on espionage charges.

Key Issues

The major issue is how to restart dialogue between Georgia and the Abkhazia. One obstacle since July, when Georgia sent troops into the upper Kodori Gorge, has been the dispute over whether this violated the 1994 Moscow Agreement between Georgia and Abkhazia.

Russia's increasingly robust position on breakaway states will be on the minds of many Council members. It has become clear that Russia will support cases like Abkhazia and South Ossetia where independence is being pursued. (Russia has also welcomed recent referenda in Transnistria in Moldova and South Ossetia supporting independence.)

Council Dynamics

Traditionally, this issue is discussed by the Group of Friends (France, Germany, Russia, the UK, the US and, in New York, Slovakia) before the Council meets. The Group is expected to meet in Geneva in January, when the agenda will include confidence-building measures leading to the resumption of dialogue and the internationalisation of the peacekeeping operation in Abkhazia.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

William Lacy Swing (US)

Size, Composition and Cost of Mission

- Authorised strength: 17,398 military and 1,316 police
- Strength as of 30 September 2006: 17,390 military and 1,075 police
- Main troop contributors: Pakistan, India, Uruguay and South Africa
- Cost: 1 July 2006 – 30 June 2007 US\$ 1.138 billion

Duration

- 30 November 1999 to present, mandate expires on 15 February 2007

Useful Additional Sources

- Global Witness (www.globalwitness.org), information on natural resources and conflict in the DRC
- Great Lakes Summit website (www.icglr.org)

Georgia

Expected Council Action

The Council is expected to receive the Secretary-General's quarterly report on the UN Observer Mission in Georgia (UNOMIG) and a briefing from the Secretary-General's Special Representative, Jean Arnault. Discussion is expected on the Kodori Valley and ways of restarting dialogue between Georgia and the Abkhazia. UNOMIG's mandate expires on 15 April 2007.

Key Recent Developments

Tensions have increased since the last UNOMIG report. Dialogue between the parties has been suspended since July when Tbilisi sent troops into the upper Kodori Gorge, arguing this was for legitimate law enforcement purposes. Georgia is willing to resume discussions, but Abkhaz leaders have refused until the troops are withdrawn. Without regular access to the upper Kodori Valley, UNOMIG has found it difficult to assess the situation.

On 11 December the *de facto* Abkhaz authorities suspended border crossings and threatened to cut off hydroelectric power to Georgia after the arrest of the *de facto* head of the Gali district administration for alleged drug trafficking.

Georgia's parliament condemned the Russian Duma's resolutions of 6 December

UN Documents

Selected Security Council Resolutions

- S/RES/1711 (29 September 2006) extended MONUC until 15 February.
- S/RES/1698 (31 July 2006) strengthened sanctions, expressed intention to consider measures over natural resources and renewed the sanctions regime and the mandate of the Group of Experts until 31 July 2007.
- S/RES/1671 (25 April 2006) authorised the deployment of EUFOR RD Congo.
- S/RES/1669 (10 April 2006) authorised the borrowing of ONUB forces.
- S/RES/1649 (21 December 2005) strengthened sanctions and requested the report on foreign armed groups.
- S/RES/1635 (28 October 2005) and 1621 (6 September 2006) authorised temporary increases in MONUC's strength for the elections.
- S/RES/1565 (1 October 2004) revised MONUC's mandate set forth in S/RES/1493 (28 July 2003) and 1291 (24 February 2000).

Selected Presidential Statement

- S/PRST/2006/57 (20 December 2006) commended the countries in the Great Lakes for the conclusion of the second summit and extended the mandate of the SRSG for the Great Lakes until 31 March 2007.

Selected Secretary-General's Reports

- S/2006/759 (21 September 2006) was the latest MONUC report.
- S/2006/310 (22 May 2006) was a report on foreign armed groups in the DRC.

Other

- S/2006/892 (15 November 2006) is the Secretary-General's request for the re-hatting of ONUB forces as MONUC.
- S/2006/525 (18 July 2006) is the latest report of the Group of Experts.

For full historical background, please refer to our April, September and December 2006 *Forecasts*.

The last two renewals of UNOMIG's mandate have been complicated by Georgia's close relations with the US and Russia's support for Abkhazia. Deteriorating relations between Georgia and Russia are likely to worsen matters. While January's discussions do not require any decisions since UNOMIG's mandate continues until April, some positive Council contribution at this stage could help avoid a volatile discussion when the mandate expires.

UN Documents

Latest Security Council Resolution

- S/RES/1716 (13 October 2006) extended UNOMIG's mandate until 15 April 2007 and expressed concern about Georgian action in the Kodori Valley in July 2006.

Selected Letters

- S/2006/880 (2 November 2006) was a letter from GUAM (Georgia, Ukraine, Azerbaijan and Moldova) containing the statement made at the Council of Ministers for Foreign Affairs of the CIS welcoming Georgia's decision to return Russian servicemen who had been detained in Georgia.
- S/2006/845 (25 October 2006) was the letter from the Ministry of Foreign Affairs of Georgia regarding the bombing of the upper Kodori village of Azhara.
- S/2006/807 (13 October 2006) was the letter transmitting the statement from the Georgian Foreign Ministry on resolution 1716.

Selected Secretary-General's Report

- S/2006/771 (28 September 2006) was the latest Secretary-General's report.

For historical background and a more complete list of documents please see our January, March, July and October 2006 *Forecasts* and the 12 October *Update*.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

Jean Arnault (France)

UNOMIG: Size and Composition

- Authorised strength as of 31 August 2006: 135 total uniformed personnel, including 121 military observers and 12 police
- Key troop contributors: Germany, Pakistan and Bangladesh

Duration

August 1993 to present

Cost

1 July 2006 - 30 June 2007: \$34.83 million (gross)

Other Facts

Size of CIS troops: about 1,800 Russian troops

North Korea

Expected Council Action

No Council action is expected, provided that the six-nation talks on North Korea's nuclear programme are sustained. However, the Sanctions Committee will report on implementation of resolution 1718.

Key Recent Developments

On 18 December, six-nation talks between the US, Russia, Republic of Korea (South Korea), Japan and the Democratic People's Republic of Korea (North Korea) resumed in Beijing. The talks were suspended in November 2005 when North Korea refused further participation until the US lifted financial restrictions against eight firms linked to North Korea and on North Korean accounts in the Banco Delta Asia in Macau. The US agreed to have bilateral discussions of the restrictions on the sidelines of the December talks.

At the opening of the 18 December discussions, North Korea demanded that UN sanctions and US financial restrictions be lifted, and asked for a nuclear reactor to generate electricity. The other five indicated that North Korea should begin to implement the September 2005 agreement under which it agreed to dismantle its nuclear weapons programme in exchange for aid and security guarantees.

The US offered to normalise relations with North Korea if it halts its nuclear programme but wanted to consider the financial restrictions issue separately from denuclearisation. North Korea, on the other hand, was reluctant to discuss dismantling its nuclear programme until the US financial restrictions were lifted.

The Sanctions Committee on the Democratic People's Republic of Korea has had little output in November and December. In October it adopted lists of prohibited trade items in nuclear, chemical and biological materials. Since then, the Committee has focused on its internal procedure, including

guidelines for implementing resolution 1718. The drop-off in momentum may be related in part to other Council priorities, but probably also reflects a basic level of satisfaction with the results so far in bringing North Korea to the table.

Resolution 1718 of 14 October 2006 called upon member states to report within thirty days of its adoption on steps taken to implement its provisions. Forty countries have sent reports to the Committee.

The incoming Secretary-General Ban Ki-moon hinted that the issue of North Korea may be a priority for him and that he may decide to appoint an envoy. Some member states are already saying that, as a former close participant in the issue as South Korea's foreign minister, it would be preferable for the Secretary-General to take a low-key approach.

Options

If the six-nation talks go well, the Council is unlikely to want to explore additional options. The Committee's report would simply be received without pressing for further recommendations.

However, if the talks collapse or make little progress, pressure to intensify implementation of resolution 1718 is likely. Options would include:

- requesting the Committee to agree on guidelines and report back within a specified period of time;
- requesting the Committee to designate individuals and entities to be subject to sanctions and bans; and
- requesting the Committee to recommend measures to strengthen resolution 1718.

Key Issues

The key issue for the Council will be responding to the developments, or lack thereof, at the talks in Beijing. A subsidiary issue will be whether the five sitting at the table with North Korea share a common view of progress and, if so, whether they agree that the application of pressure would be useful or not.

In the interim, progress on designating individuals or entities subject to restrictions and bans is likely to proceed at a deliverable pace. So far, only Japan has submitted a list for consideration.

Council Dynamics

Resolution 1718 required protracted negotiations before unanimous adoption. Since then, China and the US have worked together and appear to have similar goals

with respect to North Korea's nuclear programme. China's willingness to put pressure on North Korea has been crucial in getting it to come back to the table, as has US willingness to engage in bilateral discussions. Russia has sent out mixed messages. It sees the main objective of resolution 1718 as a political resolution of the nuclear situation. On the other hand, it did not easily agree on the original list of biological and chemical banned items (which may have something to do with its origins in the Australia Group, to which Russia does not belong). It insisted on a new list with Russian input. Given the technical nature of the Committee's work and the absence of a group of experts, some Committee members have found it difficult to contribute without a disarmament expert on their team.

Underlying Problems

There are an estimated 100,000 North Korean refugees in China and 9,000 in South Korea. With acute food shortages, caused partly by recent flooding and suspension of South Korean rice aid, additional refugees are possible during the current winter. The UN sanctions do not apply to food. However, agencies like UNICEF are concerned that in the current environment donors will stand back.

UN Documents

Selected Security Council Resolutions

- S/RES/1718 (14 October 2006) expressed grave concern over North Korea's nuclear test, imposed sanctions and set up a Sanctions Committee.
- S/RES/1695 (15 July 2006) condemned North Korea's launch of ballistic missiles.
- S/RES/825 (11 May 1993) called upon North Korea to reconsider withdrawing from the Non-Proliferation Treaty (NPT) and to honour its non-proliferation obligations under the NPT.

Presidential Statements

- S/PRST/2006/41 (6 October 2006) was the statement expressing concern over North Korea's declaration that it would conduct a nuclear test.

Selected Letters

- S/2006/481 (4 July 2006) was the letter from Japan requesting a meeting of the Council after North Korea launched ballistic missiles.

Other

- S/AC49/2006/1 through S/AC49/2006/16 were letters submitting reports from UN member states on implementing resolution 1718.
- SCA/6/06(9) (1 November 2006) was the *note verbale* to UN member states on the need to report to the Council within 30 days of the adoption of resolution 1718.
- S/2006/853 (1 November 2006) and Corr. 1 (1 November 2006) contained the list of chemical and biological items, materials, equipment, goods and technologies related to weapons of mass destruction programmes; these lists supersede S/2006/816 mentioned in resolution 1718.
- S/2006/833 (20 October 2006) was the note from the president of the Council on the election of the chairman and vice-chairman for the Sanctions Committee on the Democratic People's Republic of Korea.
- S/2006/815 (13 October 2006) contained the ballistic missile programmes list.
- S/2006/814 (13 October 2006) contained the nuclear programmes list.
- The joint statement of the fourth round of the six-nation talks can be found at <http://www.state.gov/r/pa/prs/ps/2005/53490.htm>.
- The text of North Korea's withdrawal from the NPT on 10 January 2003 can be found at <http://cns.miis.edu/research/korea/nptstate.htm>.

For historical background please refer to our November *Forecast*.

Targeted Sanctions: Listing/De-listing and Due Process

On 19 December the Council established in resolution 1730 "a focal point" within the UN Secretariat to process submissions for de-listing under resolution 1267 (Al-Qaida and Taliban sanctions) and other sanctions resolutions. The Council also directed other sanctions committees to revise their guidelines for listing and de-listing. This action followed unheralded but important changes to the listing process which were promulgated on 29 November.

Human rights organisations, the legal community, scholars, and many UN member states have long criticised the Council for the lack of due process and transparency in



placing (listing) and removing (de-listing) names of individuals and entities targeted for sanctions. The Secretary-General's High Level Panel on Threats, Challenges and Changes in 2004 and the 2005 World Summit Outcome document called for fair and clear procedures. In 2006, the Council itself stressed this need and asked the Committee in a presidential statement to work on improved guidelines for listing and de-listing.

The 1267 Committee Experience

Established in 1999 by resolution 1267 to monitor the implementation of aviation and financial sanctions imposed on the Taliban regime in Afghanistan for harbouring Usama bin Laden, the Committee established and maintains the Consolidated List of individuals and entities to which sanctions measures apply. The List is updated periodically. Names are added and, on rare occasions, removed. Subsequent resolutions, after 11 September 2001, expanded and strengthened the measures such as the travel ban, assets freeze and arms embargo on Al-Qaida, Usama bin Laden and the Taliban. In particular, resolution 1390 of January 2002 extended the applicability of the Taliban sanctions to "the Al-Qaida network" and "other individuals, groups, undertakings and entities associated with them", dramatically increasing the pool of potential targets for the sanctions.

The Committee decides by consensus whether to place an individual or entity on the List according to information provided by a UN member state known as the designating state. De-listing can occur only by the unanimous consent of Committee members or by a decision of the Security Council.

A growing body of criticism has been levelled at the 1267 Committee mostly concerning the secrecy surrounding the rationale for designation and the lack of transparency and due process in listing and de-listing. Some listed individuals claim mistaken identity and deny having any association with terrorism or terrorist groups. Lives have been disrupted and entities unable to conduct business due to assets freezes and travel bans. This has resulted in a number of legal challenges, which generated pressure on the UN to review the process of listing and de-listing.

Response of the UN System

In 2004, the report of the Secretary-General's High Level Panel on Threats, Challenges and Change noted "the way entities or individuals are added to the terrorist list maintained by the Council and the absence of review or appeal for those listed raise serious accountability issues and possibly violate fundamental human rights norms and conventions." The Panel recommended that the "Al-Qaida and Taliban Sanctions Committee should institute a process for reviewing cases of individuals and institutions claiming to have been wrongly placed or retained on its watch lists."

The 2005 World Summit Outcome document called "upon the Security Council, with the support of the Secretary-General, to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions."

Following the 2005 Summit, the Secretary-General's Policy Committee (chaired by the Secretary-General, comprising some 12 top UN officials with political responsibilities) asked the Office of Legal Affairs (OLA) to address the problem. It was widely anticipated that OLA would develop clear listing and de-listing criteria in response to the Summit Outcome Document. OLA was also expected to consider a submission from the Office of the High Commissioner for Human Rights.

OLA commissioned Professor Bardo Fassbender of the Institute of International and European Law, Humboldt University (Germany) to prepare a study on due process. His draft report, *Targeted Sanctions and Due Process*, was reviewed by a group of international law experts at a special seminar arranged by OLA. The final report was expected to be reviewed by the Policy Committee when the Secretary-General was to make recommendations to the 1267 Committee. These were to include elements of procedural and substantive due process absent from the listing and de-listing procedures of the Committee.

However, this approach was derailed when the 1267 Committee decided that it would consider only proposals put forward by Committee members, so the Fassbender report was shelved.

Response in the 1267 Committee: Listing

After several months of discussions, the Committee agreed in July 2006 on

amendments to listing guidelines but these were not formally promulgated until 29 November 2006 when they were posted on the Committee website. The new Consolidated List section, "Guidelines of the Committee for the conduct of its work", established new standards for listing. Designating countries now have to provide more detailed information about individuals and entities to be listed. They have to provide a statement of case that forms the basis or justification for the listing in accordance with relevant resolutions. This has to include as much detail as possible, including specific findings demonstrating the association or activities alleged, and the nature of supporting evidence and supporting evidence or documents that can be supplied. The designating state is also required to inform the Committee of what portion of the statement may be publicly released to member states.

While not reaching judicial evidentiary standards, the details and quality of the information required under the amended guidelines, including the potential for increased transparency given possible public release, seem to be a marked improvement. However, the process has no provision for the targeted persons to present submissions or even to be informed that measures against them are being taken.

The new guidelines essentially apply only to new listings. However there is a possibility of review of old listings that have not been updated for four years. No specific mechanism was established to review old listings to ensure that they met the new standards, except that the Secretary-General has been asked to circulate a list of names on the Consolidated List that have not been updated in four or more years, and a review would be undertaken by the Committee at the request of a member of the Committee.

A general review would be a major undertaking as many designated individuals and entities (487 as of 6 December 2006) were placed on the Consolidated List without the designating country providing the Committee with adequate supporting information and evidence.

De-listing

Discussion of the de-listing process proved much more contentious. It seems that Committee members accepted that the due process issues with listing (absence of opportunity to be informed in advance and to present submissions) would be

tolerable, given the risk of persons and assets moving to other jurisdictions, provided reasonable processes existed for persons to challenge their listing. This, however, has shifted the hard debate to de-listing.

The Committee decided to rely exclusively on draft proposals provided by its own members and to exclude consideration of other efforts to provide guidance. The Fassbender report—as well as an initiative of the governments of Germany, Sweden and Switzerland in collaboration with the Watson Institute for International Studies at Brown University (USA)—on the due process implications of listing and de-listing, appear to have been largely ignored. The latter paper benefited from discussions involving experts and others having broad experience with the design and implementation of sanctions and the listing and de-listing processes, and included significant input by Hans Corell, the former Legal Counsel of the UN.

During 2006, the Committee spent much time discussing a draft proposal first submitted by France and joined by the US to establish "a focal point" within the UN Secretariat to process submissions for de-listing. Resolution 1730 now establishes this focal point and the annex to the resolution contains new "de-listing procedures" to guide the focal point. The focal point will serve as a clearing house within the Secretariat for the receipt of applications and it will also act as a facilitator of consultations between the designating country and the requesting country.

It seems the Council was not ready to create a review mechanism. Instead, de-listing decisions remain with the Committee and ultimately with the Security Council itself. It would be a stretch to conclude that the new "de-listing procedures" fully respond to due process concerns as those are commonly understood. Under this scheme, the outcome of each request will still be determined by the Council member who proposed listing as a result of the consensus rule in the committees.

During the deliberations, Qatar offered counter-proposals to the French-US proposal. These would have established a focal point "composed of independent experts with appropriate experience in criminal, administrative and international law, to receive and review de-listing requests from petitioners or their representatives and make its recommendations accordingly."

It would have allowed direct access to an independent review process without the necessity of relying on a requesting government that might be constrained due to bilateral or other considerations. Under this proposal, the focal point would establish its own rules and procedures and criteria for de-listing in accordance with applicable international standards.

Under this proposal, rather than playing a procedural role as a clearing house and facilitator of the process, it would have a more substantive function in the de-listing process. But even under this proposal, in practice, most recommendations would remain subject to the decision-making procedures of the Committee and the Security Council, including the consensus rule in the Committee in the former and the veto power of the P5 in the latter. If the designating country is a permanent Council member, that member would retain the power to deny a de-listing request regardless of the recommendation of the "independent experts".

While the Council spent much time in 2006 on listing and de-listing procedures, the agreed procedures seem unlikely to quell the concerns of the wider international community and may not be enough to ward off legal challenges.

UN Documents

Selected Security Council Resolutions

- S/RES/1730 (19 December 2006) established "a focal point" within the UN Secretariat to process submissions for de-listing under Council resolutions involving targeted sanctions.
- S/RES/1617 (29 July 2005) significantly broadened the mandate of the 1267 Committee and the Monitoring Team, further defined further the sanctions' primary targets, and provided some elaboration on the listing/de-listing procedures.
- S/RES/1526 (30 January 2004) strengthened the mandate of the Committee, made more specific the applicable sanctions measures, and established the Analytical Support and Sanctions Monitoring Team.
- S/RES/1455 (17 January 2003) enhanced the monitoring role of the Committee and urged states to report progress on implementation of the sanctions.
- S/RES/1390 (16 January 2002) extended the financial measures, broadened the travel ban and arms

embargo, and requested states to report to the Committee.

- S/RES/1333 (19 December 2000) imposed an arms embargo on the Taliban, a travel ban on its senior officials, and a freeze on the financial resources of Usama bin Laden and individuals and entities associated with him.
- S/RES/1267 (15 October 1997) established the Sanctions Committee and imposed sanctions on the Taliban

Presidential Statement

- S/PRST/2006/28 (22 June 2006) asked the 1267 Committee to continue to work on its listing and de-listing procedures.

Other Selected Documents

- SCA/2/06 (11) (17 July 2006) was a *note verbale* from the Chairman of the 1267 Committee addressed to member states and relevant international organisations advising of new listing requirements. www.un.org/Docs/sc/committees/CoverSheetEng.doc
- *Guidelines of the Committee for the conduct of its work* with new section on the Consolidated List, www.un.org/Docs/sc/committees/1267/1267_guidelines.pdf
- *A More Secure World: Our Shared Responsibility*, report of the Secretary-General's High Level Panel on Threats, Challenges and Change of December 2004, www.un.org/secure-world/
- A/60/1 (24 October 2005) 2005 World Summit Outcome document
- Provisional Rules of Procedure of the Security Council, www.un.org/Docs/sc/scrules.htm

Peacebuilding Commission

Introduction

The Peacebuilding Commission (PBC) was established by the Security Council and the General Assembly in December 2005. Controversy surrounding its establishment led to ambiguity about its status. It is not clearly specified whether it is a subsidiary body of the General Assembly or the Security Council. (The resolutions simply refer to it as an "intergovernmental advisory body".)

It is to provide advice at the request of the Security Council, ECOSOC, the Secretary-General and, in exceptional cases, UN member states themselves but not the General Assembly, which receives only an annual report.



(On the establishment of the PBC, please see our June 2006 *Special Research Report* in which we concluded that the PBC is a subsidiary body of both the General Assembly and the Council.)

It is noteworthy that the Council, perhaps in deference to the sensitivities over the PBC, has not taken any formal action related to the PBC other than to initiate in June the only current requests for "advice" on Burundi and Sierra Leone. However, the importance of the Commission's work in filling the peacebuilding gap in respect to the situations before the Council has been the object of numerous statements from Council members and the PBC is seen in the Council as having significant positive potential.

Expected Council Action

The Council is expected to elect two new non-permanent Council members to replace Denmark and Tanzania in the PBC Organisational Committee. At time of writing, Peru and South Africa appeared to be the front runners.

The chairman of the PBC Organisational Committee is expected to issue a letter forwarding a summary of the country-specific meetings to the Council. While no formal Council action is expected in response to this report, it is possible that members may take the opportunity for informal discussions of the role the Council should be playing with respect to the PBC.

Key Recent Developments

The first formal country-specific meetings on Burundi and Sierra Leone took place on 12 and 13 October. Key priority areas for PBC assistance were agreed. For Burundi, those were:

- promoting good governance, including human rights;
- strengthening of the rule of law and the security sector; and
- ensuring community recovery.

For Sierra Leone, critical peacebuilding issues identified were:

- youth empowerment and employment;
- consolidating democracy and good governance;
- justice and security sector reform; and
- capacity-building.

The PBC invited both governments to develop further strategies with UN support and to report at the next meeting. Sierra Leone and Burundi were declared eligible to benefit from the Peacebuilding Fund.

In November the Peacebuilding Support Office (PBSO) sent a mission to Burundi and Sierra Leone to take stock of preparations and clarify the nature of the PBC's work, regarding, in particular, the misperception that the PBC's work would equate to a pledging conference. The PBSO briefed the Organisational Committee on 7 December.

The second round of country-specific meetings took place on 12 and 13 December, and was preceded by informal briefings with civil society organisations on 11 December. Key peacebuilding gaps raised by participants in the meetings on Burundi included:

- fighting corruption;
- assistance with security sector reform and the risks posed by the rebel *Forces nationales de libération* (FNL), refugee returns and the integration of former combatants;
- support for political dialogue;
- establishing transitional justice mechanisms;
- human rights; and
- budget shortfalls and donor coordination.

On Sierra Leone:

- expanding programmes on youth unemployment;
- strengthening democratic governance institutions and, in particular, increasing electoral assistance and gender mainstreaming;
- building the justice sector, in particular transitional mechanisms;
- enhancing public service delivery and building infrastructure; and
- donor coordination.

As follow-up, PBC members have requested that detailed work plans and corresponding calendars on peacebuilding activities be presented by the countries at the next meetings, expected for March 2007.

Some confusion seems to have marked the beginning of the PBC's country-specific activities. There was lack of clarity and preparation relating to the PBC's scope and organisation, including its relationship with the Peacebuilding Fund. Contrary to initial expectations, it was decided that the PBC would recommend Burundi's and Sierra Leone's eligibility for the Fund.

Uncertainty also surrounded the chairmanship of the Sierra Leone meetings, which was eventually resolved in favour of the Netherlands. By contrast, agreement on Norwegian chairmanship for the Burundi meetings was reached early in October. Members have made some progress in clarifying procedural issues including the participation of civil society groups and other institutional donors. A working group has been established to formulate recommendations on those issues, but to date no substantive progress has been made. (Both the European Commission and the Organisation of the Islamic Conference have made requests for participation.)

The Organisational Committee also addressed the issue of country participation in country-specific meetings. It agreed that outgoing countries can submit a request to continue participation in the country-specific meetings despite the end of their terms.

PBC Elections

Some of the 31 seats within the Organisational Committee will rotate in January, and others in June. The issue is complex since each membership category decided on its own rules for allocating the seats, with particular geographical emphasis within ECOSOC and the General Assembly. (Distribution of seats followed considerable controversy and concern with geographical imbalances arising from the early membership decisions from the Security Council and the top contributors. There was reluctance to set clear rules for geographical distribution.)

In accordance with resolution 1646, the Council is due to elect its non-permanent Organisational Committee members to replace Denmark and Tanzania. In December 2005 the Council decided that five of the seats would be conferred to permanent Council members.

Two ECOSOC seats in the Committee will rotate in January with the end of Poland and Belgium's membership of ECOSOC and thus of the PBC. They will be replaced by countries from the same geographical groups, namely one from the Western European and Other States Group (WEOG) and one from Eastern Europe. (A resolution regarding the geographical distribution of ECOSOC seats on the PBC was adopted in May 2006, but it left the geographical allocation of two seats for the subsequent elections to be determined.)

Two General Assembly seats—currently belonging to Jamaica and Croatia—will rotate in June. (The General Assembly seats were seen as a balancing category, and, as a result, those seats were assigned for one year starting in June 2006 in accordance with General Assembly resolution 60/261.)

Two members from the top ten financial contributors will be replaced by Canada and Sweden in June. (The understandings relating to the top financial contributors are not specified in the resolutions and are unclear. Three of them are permanent Council members, and thus have seats via resolution 1646. It seems that an understanding exists that the two seats would rotate among the remaining seven countries.)

Among the top military and police contributors, the distribution of seats will not be recalculated until June 2008. (It seems that this group decided among themselves that the five seats will be allocated to the top five contributors, to be revised in two years from June 2006 to reflect changes in ranking.)

The next PBC chairperson and vice-chairpersons are expected to be elected in June.

Annual Report

The annual report of the PBC is expected in the fall of 2007, to be debated during the 62nd session of the General Assembly. It seems that since the PBC did not start its regular activities until late 2006, it was decided to synchronise the beginning of the second PBC session with the start of the 62nd session of General Assembly.

Key Issues

The main issue for the PBC is whether it can rise to the challenge to make a difference on the ground in Burundi and Sierra Leone and add value to the existing international machinery. It remains to be seen whether it will be effective in identifying peacebuilding gaps and formulating practical strategies to address them.

A critical underlying issue is overcoming the bitter climate in which the establishment and membership of the PBC was negotiated. (Please see our June 2006 *Special Research Report*.) Some progress has been made, but there are lingering problems which now center on how best to move toward focusing on substantive issues, as opposed to continuing the dominant focus on procedural issues.

There seem to be additional issues posed by the lack of resources within the PBSO for preparing for PBC meetings. Members are also aware of the varying degrees of resources, knowledge and preparedness across the PBC membership.

Procedural issues include:

- the balance between formal and informal meetings;
- guidelines for civil society participation;
- participation by institutional donors; and
- refining rules of procedure.

Council Dynamics

The Council has kept its distance from the work of the PBC, aware that some PBC members have a strong interest in demonstrating independence from the Council.

Accordingly, the Council has recently formally focused simply on the fact that its elected representatives on the PBC, Denmark and Tanzania, will finish their Council terms on 31 December. The Latin American countries have expressed strong interest in having one of the seats in order to address a perceived geographical imbalance in the PBC membership.

Nevertheless, since referring Burundi and Sierra Leone to the PBC in June 2006, the Council has had both countries on its agenda a number of times. It approved the establishment of the UN Integrated Office in Burundi (*Bureau intégré des Nations Unies au Burundi*, or BINUB) in resolution 1719. On Sierra Leone, the Council has periodically discussed the regular reports of the Secretary-General and is now poised to renew the mandate of the United Nations Integrated Office in Sierra Leone (UNIOSIL) for 12 months by 31 December. In these discussions, the Council seems to have been careful to avoid overlap with the PBC, particularly regarding more substantive discussion on the situation in both countries.

PBC Dynamics

Most PBC members appear keen on concentrating on substantive areas. But there still seems to be a degree of suspicion among some members from developing and developed countries. As a result, dynamics have at times tended to focus on procedural issues.

Some members have expressed concern over the fact that both country-specific meetings are now chaired by donor countries.

There is also disagreement on civil society participation in the formal country-specific meetings, with some members preferring

more informal, flexible participation as opposed to formal statements in public meetings.

UN Documents

Selected Security Council Resolutions

- S/RES/1646 (20 December 2005) decided that the five permanent members and two elected members of the Council will have seats on the PBC's Organisational Committee.
- S/RES/1645—A/RES/60/180 (20 December 2005) created the PBC and the Peacebuilding Fund.

Selected General Assembly Resolutions

- A/RES/60/261 (8 May 2006) decided on General Assembly Organisational Committee seats.
- A/RES/60/1 (16 September 2005) was the 2005 World Summit Outcome

Selected Meeting Records

- PBC/1/OC1 (23 June 2006) was the record of the Organisational Committee's first meeting.
- S/PV.5335 and GA/10439 (20 December 2005) were the records of the PBC's creation.

Other Selected Documents

- S/2006/25 (17 January 2006) communicated the Council's election of Denmark and Tanzania to the Organisational Committee.
- PBC/OC/1/2 (21 June 2006) was a Council letter referring Burundi and Sierra Leone to the PBC.
- E/2006/L.2/Rev.2 (12 April 2006) was the draft resolution adopted with the distribution of ECOSOC PBC seats

Selected Secretary-General's Reports

- S/2006/922 (28 November 2006) was the latest report on Sierra Leone.
- S/2006/838 (23 October 2006) was the latest report on Burundi.

Historical Background

12-13 December 2006 The second round of country-specific meetings took place.

12-13 October 2006 The first country-specific meetings were held.

19 July 2006 The first informal briefings on Burundi and Sierra Leone were held.

23 June 2006 The PBC Organisational Committee held its first meeting.

For historical background, please see our *23 June 2006 Special Research Report*.



Other Relevant Facts

PBC Organisational Committee Members (as of 20 December 2006)

- Security Council: the P5 (China, France, Russia, UK and US), Denmark and Tanzania.
- From the top ten financial contributors: Germany, Italy, Japan, the Netherlands and Norway.
- From the top ten military and police contributors: Bangladesh, Ghana, India, Nigeria and Pakistan.
- ECOSOC: Angola, Belgium, Brazil, Guinea-Bissau, Indonesia, Poland and Sri Lanka.
- General Assembly: Burundi, Chile, Croatia, Egypt, El Salvador, Fiji and Jamaica

Chairman of the PBC Organisational Committee

Ambassador Ismael Gaspar Martins (Angola)

PBSO Head

Carolyn McAskie (Canada)

PBSO Budget

- US\$ 1.571 million

Notable Dates for January

Reports due for Consideration in January	Relevant Document
late December	<i>SG report on UNOMIG (UN Observer Mission in Georgia) (quarterly)</i> S/RES/1716
29 December	<i>1591 Committee concerning the Sudan Panel of Experts interim report</i> S/RES/1713
31 December	<i>SG report on the implementation of MINUSTAH's mandate (UN Stabilization Mission in Haiti)</i> S/RES/1702
31 December	<i>SG report on cooperation between UN Missions in West Africa</i> S/PRST/2006/38
early January	<i>A report from the UN technical mission sent to Nepal from 10-16 December</i> S/PRST/2006/49
early January	<i>SG report on options for UNMEE (UN Mission in Ethiopia and Eritrea) (every four months)</i> S/RES/1710
early January	<i>The Group of Experts on DRC sanctions (interim report)</i> S/RES/1698
6 January	<i>SG report on IGASOM (IGAD's planned military mission to Somalia)</i> S/RES/1725
mid January	<i>SG report on UNMIS (UN Mission in the Sudan) (quarterly)</i> S/RES/1714
mid January	<i>SG recommendations on the adjustment on MONUC's (UN Mission in the DRC) post-election mandate</i> S/2006/892
mid January	<i>Report from the Sanctions Committee on the Democratic People's Republic of Korea</i> S/RES/1718
31 January	<i>SG report on Darfur (monthly)</i> S/RES/1590

January 2007	Mandates Expire	Relevant Document
1 January	<i>UNIOSIL (UN Integrated Office for Sierra Leone)</i>	S/RES/1620
10 January	<i>UNOCI (UN Operation in Côte d'Ivoire)</i>	S/RES/1726
31 January	<i>UNMEE</i>	S/RES/1710

January 2007	Other Important Dates
1 January	<i>Ban Ki-moon of South Korea begins his term as Secretary-General.</i>
1 January	<i>The UN Integrated Office in Burundi (BINUB) commences operations. (S/RES/1719)</i>
21 January	<i>Serbian parliamentary elections</i>
25 January	<i>An international conference on financial assistance to Lebanon will be held in Paris.</i>

Also expected in January:

- The AU will hold a summit, where a new chairperson is expected to be chosen.
- A UN Human Rights Council fact-finding team is expected to visit Darfur.

Important Dates over the Horizon

- A thematic debate in the Council on Security Sector Reform is possible for February.
- The ICC Chief Prosecutor's filing of first charges in connection with crimes committed in Darfur is possible in February.
- The Secretary-General's next report on Small Arms is expected in February.
- The report from Secretary-General's Special Envoy for the Future Status Process for Kosovo, Martti Ahtisaari, is expected before the end of March.
- A session of the Special Committee on Peacekeeping Operations is being planned for late February or early March 2007.
- The Council is tentatively planning visiting missions for 2007 to West Africa (including Côte d'Ivoire), Timor-Leste and Central Africa.
- The Special Court for Sierra Leone has reported that Charles Taylor's trial at The Hague will begin in April 2007.
- Parliamentary elections in Chad are scheduled for April 2007.
- Election of Nepal's constituent assembly is expected in June 2007.
- The Secretary-General's next reports on the thematic issues of Protection of Civilians in Armed Conflict and Women, Peace & Security are expected by October 2007.

SECURITY COUNCIL REPORT STAFF

Colin Keating, Executive Director
Joanna Weschler, Director of Research
Curtis A. Ward, Senior Research Consultant
Anne-Gaëlle Claude, Research Analyst
Fernanda Rafaela Fernandes, Research Analyst
Amanda Roberts, Programme Coordinator
Shamala Kandiah, Research Consultant
Anthony Smith Jr., Administrative Assistant

Security Council Report is published with the support of the Government of Canada, the Government of Norway, The Rockefeller Foundation, the John D. and Catherine T. MacArthur Foundation and the William and Flora Hewlett Foundation. It is incorporated as a not for profit Organisation and operates in affiliation with the Center on International Organization in the School of International and Public Affairs at Columbia University in New York.

The material in this publication is subject to copyright ownership. Material in this publication may be freely used as in the public domain. You are free to copy, distribute, or make derivative works of the work under the following conditions: you must attribute the work to Security Council Report, Inc.; you may not use this work for commercial purposes; if you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one.