



SECURITY COUNCIL REPORT

MONTHLY FORECAST

AUG 2007



30 July 2007

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OVERVIEW FOR AUGUST

Congo will have the Council presidency in August.

August is traditionally a quieter month for the Council. Schedules for review or renewal of mandates are usually structured to avoid August as far as possible. In that respect this year is no exception, with only three mandates due for renewal.

However, as this *Forecast* goes to print, there are still two major issues from July which are unresolved—the draft resolution authorising the “hybrid” AU-UN operation for **Darfur** and a draft Council statement on **Lebanon**. Both of these items could add significantly to the Council workload in August. Given the critical importance of the Darfur resolution, and its political significance, there have been suggestions that some Council members will be represented at the ministerial level when it is adopted.

A thematic debate on African issues initiated by Congo will take place later in August under the agenda item of Prevention of Conflict in Africa.

Formal Council meetings for renewal of mandates will be needed on:

- **Iraq:** the mandate for the United Nations Assistance Mission in Iraq (UNAMI) expires on 10 August.
- **Somalia:** the authorisation for the AU Mission in Somalia (AMISOM) expires on 20 August.
- **Lebanon:** the mandate for the UN Interim Force in Lebanon (UNIFIL) expires on 31 August.

While simple renewal resolutions in these cases are possible, it seems likely that, at least in respect of **Iraq** and **Somalia**, some Council members will want to take the

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Aide-Memoire

Important matters pending before the Council include:

- The 2005 World Summit requested the Security Council to consider reforms relating to the **Military Staff Committee**. This has yet to be addressed.
- The **monthly Secretary-General’s report on Darfur** required by resolutions 1556 and 1590 has not been published since February.
- Since a briefing in March, the Council has not addressed the issue of **Northern Uganda and the Lord’s Resistance Army**: The parties have since reached a critical pre-agreement on accountability issues that envisages the use of traditional dispute resolution methods in lieu of the Interna-

tional Criminal Court (ICC). There are wide concerns that such a mechanism may not lead to proceedings consistent with international standards for serious crimes trials and thus may not be a valid basis for eliminating ICC jurisdiction over the case.

- Some **key posts for Special Representatives of the Secretary-General** have been vacant for several months. The position of the head of UNMIS in Sudan has not been filled since the end of 2006 and the post of the Special Representative in Côte d’Ivoire has been awaiting appointment since mid-February.
- 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.

- On the **DRC**, the Council is still to consider imposing individual sanctions under resolution 1698 against armed groups that recruit children. Nor is it clear whether the Security Council has abandoned the issue of natural resources in the DRC notwithstanding its open thematic debate on the subject of natural resources and conflict in June (S/PV.5705).
- On **West Africa**, the Council has not followed up its 16 March consultations on cross-border issues.

opportunity of these situations coming before the Council to raise new matters and additional proposals for inclusion in the resolutions.

In the case of **Iraq**, there is an interest in decoupling the UNAMI mandate from the authorisation for the Multinational Force by giving UNAMI its own separate resolution and also revising and significantly updating the UN mandate.

In respect of **Lebanon**, there seems to be a similar interest in decoupling UNIFIL renewal from the wider political and security issues addressed in resolution 1701.

In the case of **Somalia**, the AU has requested a package of UN assistance for the beleaguered AMISOM force. This may give rise to discussions similar to those surrounding the initial “light support” package

given by the UN to the AU mission in Darfur (AMIS). It also seems likely to give rise to more detailed discussion of the faltering political reconciliation process.

In addition to these scheduled renewals, formal meetings of the Council are also expected on:

- **Middle East** (the standard monthly meeting);
- **Liberia** (responding to the Kimberley Process report on progress with diamond certification and possibly consequential decisions on diamond sanctions);
- **Sierra Leone** (a statement in the context of the Sierra Leone elections on 11 August is likely); and
- **Chad/Central African Republic** (Council authorisation of the proposed EU military operation in eastern Chad—with a possible decision to authorise a UN

police and civilian component as well—is a distinct possibility now that President Idriss Deby of Chad has indicated his agreement. Timing is likely to depend on EU progress with planning and formal agreement within the EU machinery.)

In view of the ongoing political uncertainty in **Timor-Leste** following the recent elections a Council statement may be a possibility.

Annual reports from the **International Criminal Tribunals for the former Yugoslavia and Rwanda** (ICTY and ICTR) are expected. The issues raised seem unlikely to be debated in the full Council at this stage. It seems more likely that they will continue to be pursued in the Council’s Working Group on Ad Hoc Tribunals. ■

Status Update since our July Forecast

Recent developments on the situations covered in this *Forecast* are addressed in the relevant briefs. Interesting developments in the Council in July on other issues included:

- **For the Record:** The Status Update for June in our *July Forecast* indicated that a proposal for the Council to indicate support for Palestinian President Mahmoud Abbas had been blocked by objections from various Council members. It was incorrect to infer that such a proposal had been formally tabled or that the countries concerned had blocked it.
- **Small Arms:** On 29 June a presidential statement (S/PRST/2007/24) requested the Secretary-General to submit to the Council on a biennial basis, beginning in 2008, a report on small arms to facilitate further Council consideration of the matter.
- **Terrorism:** On 9 July in a presidential statement (S/PRST/2007/26), the Council condemned the terrorist attack in Yemen on 2 July which killed eight Spanish tourists and two Yemeni nationals.
- **Guinea-Bissau:** On 10 July the Council was briefed by Shola Omoregie, the Representative of the Secretary-General, on the latest report (S/2007/401). In a press statement (SC/9075) the Council welcomed the formation of a new government, but expressed concern over the tense social climate, an alarming increase in crime and the deteriorating socio-economic and financial situation.
- **North Korea:** On 10 July Ambassador Marcello Spatafora of Italy, Chairman of the 1718 Committee, briefed the Council and advised that the Committee had adopted procedural guidelines on 20 June. In related developments North Korea closed down its Yongbyon reactor in mid-July and invited the IAEA to monitor the shutdown process.
- **Council Working Methods:** On 10 July the Chair of the Council’s Informal Working Group on Documentation and Other Procedural Questions, Ambassador Peter Burian of Slovakia, briefed the Council in consultations on the Group’s work on the implementation of the July 2006 Note by the President (S/2006/507) and other working methods-related developments.
- **Subsidiary Bodies:** On 11 July the Security Council Counter-Terrorism Committee’s Executive Directorate organised a technical assistance meeting for West African states in New York (SC/9073) with the aim of encouraging the implementation of resolution 1373 and the Global Counter-Terrorism Strategy. The 1540 Committee on non-proliferation initiated a meeting of States and international organisations in New York on 11-12 July on efforts and programmes to advance implementation of that resolution.
- **Western Sahara:** On 11 July, after a briefing by Peter van Walsum, Personal Envoy of the Secretary-General, the Council welcomed the Secretary-General’s report (S/2007/385) in a press statement (SC/9076). It supported the agreement that negotiations would continue in August after a first round of talks in Manhasset on 18-19 June. The Secretary-General’s report had been released, retracted and reissued “for technical reasons” and the second version did not contain all the previous recommendations.
- **Côte d’Ivoire:** Resolution 1765 of 16 July renewed UNOCI’s mandate until 15 January 2008 to support elections and the full implementation of the Ouagadougou agreement. (Please see our 13 July *Update Report* on Côte d’Ivoire.) It also called for a review of UNOCI’s mandate and a Secretary-General’s report on progress achieved toward implementation of the agreement by 15 October and terminated the mandate of the High Representative for Elections, Gérard Stoudmann. In another development the UN suspended a Moroccan peacekeeping contingent on allegations of sexual exploitation in the area of operations and initiated an internal investigation.
- **Security Council Visiting Mission:** On 16 July the Council held a debate wrapping up its mission to Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa from 14-21 June

(S/2007/421 and Corr.1).

- **Afghanistan:** The Council issued a presidential statement on 17 July welcoming recent international initiatives aimed at enhancing security, stability and development in Afghanistan (S/PRST/2007/27). The statement followed a briefing from Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi (S/PV.5718 and SC/9080).
- **Kosovo:** On 17 July a resolution (S/2007/437) was formally circulated on Kosovo. After consultations on 20 July the resolution was put on hold after Russia made it clear that it would use its veto. The co-sponsors (France, the UK, the US, Belgium, Italy and Germany) released a statement indicating that the discussions would now take place within the Contact Group and reiterating their support for UN Special Envoy Martti Ahtisaari's Comprehensive Proposal for the Kosovo Status Settlement. (Please see our 19 July *Update Report* on Kosovo.)
- **Democratic Republic of the Congo:** On 23 July the Council expressed deep concern at the deteriorating security situation in the east of the DRC and urged a political solution to the crisis (S/PRST/2007/28 and SC/9084). It also encouraged MONUC to support the integrated brigades and the DDRRR process

and Congolese authorities to develop plans to disarm armed groups in cooperation with the UN mission and, in an interesting development, provided specific policy guidance relevant to the use of force if necessary. Under Secretary-General for Peacekeeping Operations Jean-Marie Guéhenno briefed the Council on 19 July. The Group of Experts report (S/2007/423) stated that sanctions imposed on the DRC have rarely had the intended coercive effect but recommended suspension of flights by all airlines that are found to be violating regulations, enhancing controls of natural resources and strengthening border control. Adoption of a resolution on sanctions is expected on 30 July.

- **Children and Armed Conflict:** On 23 July the Council considered the annual report from the Chairman of the Working Group on Children and Armed Conflict. On 19 July the Secretary-General's reports on children and armed conflict in Chad (S/2007/400) and the Democratic Republic of the Congo (S/2007/391), both urging greater protection for children in armed conflicts, were discussed by the Working Group who also adopted recommendations regarding Uganda and Somalia. (Please see our 16 July *Update Report* on Children and Armed Conflict.)
- **Ethiopia/Eritrea:** On 24 July the Council

discussed the Secretary-General's latest report (S/2007/440) which called for efforts to break the peace process stalemate. The Council and troop-contributing countries heard a briefing by Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations (S/PV.5722). A resolution renewing UNMEE's mandate is expected on 30 July.

- **Middle East:** On 25 July the Council held consultations on the Middle East after a briefing by Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Michael Williams (S/PV.5723).
- **Nepal:** On 26 July the Council held consultations on Nepal after a briefing by Ian Martin, the Secretary-General's Special Representative there. The latest Secretary-General's report (S/2007/442) expressed optimism that the peace process would achieve its goal but also stated that the political scene had become more complex in the past few months.
- **Georgia:** On 26 July the Council held consultations on Georgia and was briefed by Assistant Secretary-General for Peacekeeping Operations Hédi Annabi on the Secretary-General's latest report (S/2007/439) in which he urged stronger Georgian-Abkhaz cooperation on security, economic and humanitarian issues.

Darfur/Sudan

Expected Council Action

At press time, members were negotiating a second draft of a resolution establishing the AU-UN hybrid operation for Darfur. Given the differing views among members, particularly regarding sanctions and Chapter VII language in the draft, consensus has been hard to achieve and at press time it remained unclear whether the resolution will be adopted before the end of the month. During August, members are likely to be paying close attention to issues surrounding the operation's deployment, particularly the force-generation efforts.

Separately in August the Council will receive the Secretary-General's regular report on the UN Mission in the Sudan (UNMIS). The UNMIS mandate expires on 31 October.

Key Recent Developments

Attacks against civilians, limited humanitarian access and harassment of aid workers persist in Darfur. There are reports of murder, rape and abductions of civilians in certain areas, as well as a resumption of aerial bombardments. In recent weeks, about 16 percent of aid convoys that left Darfur capitals were reportedly hijacked or ambushed.

There are also increased concerns with funding for the AU Mission in the Sudan (AMIS). The EU signalled in early July that its available resources were depleted and called on the US and the Arab League to increase their share in assistance for AMIS. EU parliamentarians also reportedly raised questions about salary arrears for AMIS troops, which prompted an exchange of accusations between troop contributors and the AU.

In early July, Council members began negotiating the resolution to authorise the

AU-UN hybrid operation. The first draft was circulated on 11 July by the UK. It proposed the AU-UN Hybrid Operation in Darfur (UNAMID) be established for 12 months and outlined the mission's size, mandate and structure. That first draft further contained a request to the sanctions Panel of Experts and to the Secretary-General to report immediately to the Council on failure to comply and referred also to resolutions 1556 and 1591 (both of which established the current sanctions regime) and the Darfur Peace Agreement of May 2006 (DPA). It also indicated willingness to "take further measures" to enforce compliance. The draft also authorised UNAMID to seize and collect arms whose presence violated peace agreements and resolution 1556.

Deep differences soon surfaced among members on specific aspects of the draft. China, Russia, Qatar, Indonesia, South Africa and Congo in particular apparently had several concerns.

On 24 July, a revised draft addressing many of the concerns was circulated. It contained the following main elements.

- The UNAMID mandate is approved as recommended by the AU-UN report. In addition there is an authorisation under Chapter VII to take all necessary action within its capabilities and in its areas of deployment to: (i) prevent disruption of the implementation of the DPA by armed groups; (ii) protect civilians under threat of violence without prejudice to the government's responsibilities, and prevent threats and attacks against civilians; and (iii) to monitor (as opposed to seizure and disposal) whether any arms or related material are present in Darfur in violation of the peace agreements and of resolution 1556.
- It establishes that UNAMID would consist of up to 19,555 military, including 360 observers and liaison officers, plus a civilian component including 3,772 police personnel and 19 formed units of 140 police each. There would be a unity of command and control, meaning one single chain with structures and backstopping to be provided by the UN.
- It emphasises the separation of UNAMID from UNMIS, the existing UN Mission in the Sudan, by specifying a force reduction for UNMIS (temporarily enhanced to support AMIS) and specifying it should go back to its original strength established in resolution 1590, which established the mission in March 2005.

The detailed sanctions language requesting the Panel of Experts and the Secretary-General to report to the Council on violations is removed and replaced with a reference to the parties "international obligations".

The draft also sets a timeline for deployment in which:

- member states are to finalise their contributions to UNAMID within thirty days of the adoption of the resolution;
- deployment of command-and-control structures is to begin immediately;
- the AU and the UN are to establish an initial operating capability for headquarters and UNAMID's management structures within ninety days of adoption;
- deployment of hybrid elements is to start thereafter; and

- transfer of responsibilities from AMIS to UNAMID is to be completed by 31 December.

In mid-July, the Secretary-General called on Council members to quickly adopt the resolution so that preparations could start, particularly regarding troop generation and securing funding commitment from the General Assembly's Fifth Committee. The Secretary-General reported on 5 July that the hybrid operation would require about 2.5 billion.

Potential troop contributors have been reluctant to make firm offers without seeing the finalised mandate and language on command and control.

On the political dimension, the AU-UN mediation team chaired a second Libya-format meeting in Tripoli in mid-July including Sudan, Chad, Libya, Eritrea, Egypt, the Council permanent members, the EU, the Arab League, Canada, Italy, the Netherlands and Norway.

The meeting marked the conclusion of the first phase of the road map (i.e. the convergence of all peace initiatives under the AU-UN umbrella) and the beginning of the pre-negotiation stage. This new phase envisages contacts with rebel groups with a view to a common rebel position and the definition of the agenda, participation and negotiating modalities; possibly including the thorny issue of whether the DPA can really be used as a basis for negotiations.

At the Tripoli meeting, a communiqué was adopted in which participants indicated that invitations to parties for the peace talks should be decided and sent by the end of August. It also stressed the need to secure a recommitment to full cessation of hostilities as a prerequisite for the political process and emphasised that "any hindrance to the political process would be addressed through appropriate measures" by the UN Security Council and the AU.

The AU-UN mediation team is set to hold a meeting of non-signatory rebel commanders in Arusha, Tanzania from 3 to 5 August to identify a unified position among rebel groups.

Developments in the Sanctions Committee

The second interim report of the Panel of Experts is before the Sanctions Committee for consideration. The report apparently continues to note violations of the arms embargo in Darfur, with a larger focus on the activities and sources of support for of rebel groups. At press time, the Committee was set to discuss the report late in July. Also, members were negotiating a letter requesting information from Sudan on the implementation of resolutions 1591 and 1672 (which imposed targeted sanctions against four individuals) and recent reports of government use of previously UN-chartered planes.

Options

In August, once the resolution is adopted, Council members are likely to consider the following options:

- possible actions to support the Secretariat with force generation (a new special Council working group to work with prospective troop and police contributors may be a possible confidence building measure);
- more active Council support for the AU-UN mediation team;
- an institutional framework (separate from the sanctions regime) to monitor implementation of the resolution;
- a reminder to the parties, perhaps in a presidential statement, that attempts to impede the peace process, including the creation of obstacles to a ceasefire, or impede the adoption of a common rebel negotiating position could attract targeted measures as referred to in resolution 1591 (which, along with resolution 1556, established the sanctions regime).

Key Issues

The key immediate issue for the Council is the likely practical challenges of the deployment of the heavy support package and the hybrid operation. This includes:

- generating sufficient troops and assets under different frameworks for the heavy support package (bearing in mind the preceding need for two additional AMIS battalions) and the hybrid operation;
- managing the continuing need for Kharthoum to keep its commitments and not raise practical impediments;

- concerns from potential contributors of troops and police, including inevitably about command and control;
- securing funding commitment from the Fifth Committee, in particular by managing the concerns of large financial contributors who are not Council members (or ten out of the 15 largest contributors) who will also be concerned about effective command and control, accountability and proper financial management in line with UN procedures;
- the huge management, logistical, security and environmental challenges for the operation which are largely unparalleled in UN peacekeeping history. (For example, it will face the largest ever distance between the closest sea port—Port Sudan—and the area of operations). The hybrid operation is slated to be the most expensive mission ever, operating under an untested hybrid AU-UN concept; and
- timing issues, particularly since heavy support deployments are only fully expected by the end of 2007. The hybrid operation could be fully deployed only in mid-2008 at the earliest.

On political reconciliation, the key issue is generating and resourcing a credible process and encouraging all rebel movements to fully join the peace process. There are several major additional questions, including negotiation modalities, participation and relationship with the north-south Comprehensive Peace Agreement.

Council and Wider Dynamics

Negotiations on the draft resolution brought to the surface traditional Council divisions on the sanctions dimension and the need to maintain pressure on Sudan. The US, the UK and France were keen to include language to continue to press Khartoum on the need to implement its commitments. China, Russia, Qatar, Indonesia and the African members seemed to prefer a different tone, with emphasis on Khartoum's recent cooperation.

While there has been consensus on the mandate, size and command and control language in the draft, discussions soon revealed important differences among members on specific aspects of the draft. China, Russia, Qatar, Indonesia, South Africa and Congo apparently expressed concern in particular about:

- the reference to further measures and sanctions in general;

- the proposed mandate for the Panel of Experts;
- the use of Chapter VII and the authorisation to use "all necessary means"; and
- the inclusion of language not present in the AU-UN recommendations, in particular the authorisation to seize or collect arms.

China, Congo and South Africa in particular seem to have been uncomfortable with a perceived disproportionate focus on the government as opposed to stepping up pressure on the rebels to comply with commitments and adhere to a peace process.

Resulting from these dynamics, the revised draft presented on 24 July addressed several of the above issues. The sponsors seem to have been ready to accommodate concerns about sanctions and tone of the draft in return for maintaining the language on mandate command and control and Chapter VII.

France and the UK signalled a very strong commitment to the resolution and to put in motion the new operation for Darfur quickly. Britain's Prime Minister Gordon Brown and French President Nicolas Sarkozy said at a joint press conference on 20 July that they could not allow further delays and that the two countries would be prepared to send their foreign ministers to New York. At press time it still seemed possible that the final adoption of the resolution would involve ministerial level participation.

UN Documents

Selected Security Council Resolutions

- S/RES/1755 (30 April 2007) extended UNMIS until 31 October 2007.
- S/RES/1706 (31 August 2006) set a mandate for UNMIS in Darfur.
- S/RES/1672 (25 April 2006), 1591 (29 March 2005) and 1556 (30 July 2004) imposed sanctions in Darfur.
- S/RES/1590 (24 March 2005) established UNMIS.

Selected Presidential Statements

- S/PRST/2007/15 (25 May 2007) welcomed the AU-UN report and called for it to be considered and taken forward immediately.
- S/PRST/2006/55 (19 December 2006) endorsed the phased approach.

Selected Secretary-General's Reports

- S/2007/307 (23 May 2007), Rev. 1 (5 June 2007) and Add. 1 (5 July 2007)



contained the AU-UN recommendations on the hybrid operation.

- S/2007/213 (17 April 2007) was the latest available quarterly report on Sudan.
- S/2007/104 (23 February 2007) was the latest monthly report on Darfur available at press time.

Other

- S/2007/421 and Corr.1 (11 July 2007) and S/PV.5717 (16 July 2007) were respectively the report and the record of the Council meeting on its June visiting mission to Africa.
- S/2007/402 (2 July 2007) contained the AU Peace and Security Council communiqué establishing the hybrid operation.
- A/HRC/5/L.6 (15 June 2007) was the text of the Human Rights Council resolution renewing the mandate of its group of experts on Darfur and requesting an update by September and a final report by its following session.

Other Relevant Facts

Joint AU-UN Special Representative for Darfur

Rodolphe Adada (Congo)

Special Envoy of the Secretary-General

Jan Eliasson (Sweden)

Chad/Central African Republic

Expected Council Action

The report of the Secretary-General with revised recommendations for peacekeeping in Chad and the Central African Republic (CAR) should be available to the Council by the beginning of August.

It seems that the new proposal will involve yet another form of "hybrid" operation. It involves replacing the proposed UN military component by an EU force in eastern Chad, but maintaining the recommendation that the mission's police component be under

UN auspices. The possibility of the UN subsequently assuming responsibility for the military component seems likely to also be part of the proposal.

Consultations within the EU on the issue continue. On 23 July EU foreign ministers said that military staff had been asked to plan a possible operation “in support of the multidimensional UN presence in eastern Chad and northeastern Central African Republic with a view to improving security in those areas.”

Council members are likely to consider the recommendations in August. It is unclear whether the issue of a UN role in political reconciliation will be addressed. Much depends on the position of Chad, which seems to have agreed to the EU force.

Key Recent Developments

The humanitarian situation in eastern Chad and the CAR continues to deteriorate. In Chad, concern remains about soaring malnutrition and mortality rates in the east as the rainy season approaches when access is expected to severely deteriorate. About 500,000 civilians in eastern Chad depend on international aid to survive. In northwestern CAR, the situation continues to be extremely dire, with civilians often attacked and victimised. (Ironically in northeastern CAR—where the proposed mission would operate—the humanitarian situation is much less acute.)

On 13 July, the Council heard a briefing by Under Secretary-General Jean-Marie Guéhenno on prospects for peacekeeping in eastern Chad and the CAR. Guéhenno indicated that the Secretariat was reviewing its previous proposal to include the French proposal to send a 12,000-strong EU force. He also indicated that he would be travelling to Brussels to continue consultations with the EU.

On 19 July, President Idriss Deby of Chad, after a meeting with French President Nicolas Sarkozy, said he “agreed in principle” to the presence of an EU military component.

Progress with Libya-brokered peace talks between the Chadian government and the rebel Union of Forces for Democracy and Development (*Union des forces pour la démocratie et le développement*, or UFDD) has been hesitant. Rebel demands include

a national political dialogue towards a transitional administration and elections.

The Council held consultations on the CAR on 3 July with a briefing by the Secretary-General’s Special Representative, Lamine Cissé. The Council issued a press statement following the meeting in which members encouraged CAR authorities to organise a dialogue with all political forces and civil society and expressed serious concern at reports of the use of disproportionate force by CAR government forces.

The latest Secretary-General’s report on the CAR indicated that preparations for a broad national dialogue have been delayed because of the government’s intention to reach ceasefire agreements prior to the dialogue. Opposition parties have reportedly expressed concern. The national dialogue plan envisages preliminary consultations among all parties to define the content and procedures of the dialogue, which would then be facilitated by an external mediator.

Options

The most likely option is to continue the wait-and-see approach, at least until the EU position on the proposed EU military component are clarified. Options are:

- authorising the EU force with a mandate to provide security in eastern Chad;
- establishing a multidimensional UN peacekeeping operation in eastern Chad and northeastern CAR with the focus on policing duties (but perhaps also some UN military observers) that will include oversight, training and mentoring the Chadian police; and including in the mandate arrangements for the EU force to provide back-up support as necessary;
- providing for a review of arrangements after a defined period to assess whether the EU force could be replaced by UN military contingents;
- including in the mandate a UN role in the political reconciliation process and requesting a report of the Secretary-General on steps towards that end; and
- addressing the insecurity in northwestern CAR by encouraging an increase in the Central African Economic and Monetary Community’s military operation deployed in the CAR (*Force multinationale de la Communauté économique et monétaire de l’Afrique centrale*, or FOMUC).

Other options are:

- closer Council oversight of the Libya-brokered talks between the Chadian government and the rebels;
- signalling that a solution to insecurity in eastern Chad depends both on improvements in Darfur and also on broad national reconciliation; and
- continuing to signal the need to move towards a national reconciliation conference in the CAR.

Key Issues

The key immediate issue for Council members is the format that an international presence in eastern Chad should take, including the proposed EU force. There are a number of related questions, including:

- whether the EU and Chad will agree to the new peacekeeping proposal;
- how best to manage regional relations and the positions of Libya and Sudan in particular; and
- how best to ensure cooperation between the mechanisms of the February 2006 Tripoli Agreement between Chad and Sudan and the proposed UN and EU deployments.

While the key underlying issue has been how best to improve security on the Chad-CAR-Sudan borders and contain the conflict in Darfur, it is increasingly clear that in both the CAR and Chad the conflicts have their own domestic dimensions. The issue is therefore whether failure to address this issue more seriously may lead to increased risks to peacekeeping in the region and compromise its future viability.

How best to address the situation in northwestern CAR is also an issue. Authorising deployments in the northeast may raise questions as to the lack of response to the instability in the northwest, which seems to have its own dynamic (separate from the Darfur-related violence) and to have a larger role in the displacement and attacks against civilians.

Council and Wider Dynamics

Members seem supportive of a joint UN-EU deployment. It appears that members have generally welcomed the French proposal for an EU force as a compromise that could encourage Chad’s acceptance while providing necessary security for the deployment of a UN police and civilian operation. Most

members have adopted a wait-and-see approach as discussions on the new proposal evolve.

France seems keen to obtain agreement on the new peacekeeping proposal as soon as possible. At press time, some EU members seemed ready to contribute troops, but others seemed concerned with troop safety.

Most Council members seem focused on the regional aspect and African members and France seem sensitive to direct Council involvement in Chad's domestic politics. But most members also seem to accept that absence of progress with political reconciliation risks repeating dangerous lessons of the past.

UN Documents

Selected Security Council Resolution

- S/RES/1706 (31 August 2006) mandated a multidimensional UN presence in Chad and the CAR and requested recommendations.

Selected Presidential Statements

- S/PRST/2007/2 (16 January 2007) requested further recommendations on peacekeeping in Chad and the CAR and on an advance mission.
- S/PRST/2006/47 (22 November 2006) renewed the UN Peacebuilding Office in the Central African Republic (BONUCA).

Selected Secretary-General's Reports

- S/2007/376 (22 June 2007) was the latest CAR report.
- S/2007/97 (23 February 2007) was a report on UN peacekeeping in Chad and the CAR.
- S/2006/1019 (22 December 2006) was the first report on UN peacekeeping in Chad and the CAR.

Other

- S/2007/421 and Corr. 1 (11 July 2007) was the report of the June 2007 Council mission to Africa.
- SC/9069 (3 July 2007) was the recent press statement on the CAR.
- S/2007/135 (7 March 2007) was a Chad-Sudan statement on re-energising the Tripoli Agreement.
- S/2006/103 (14 February 2006) was the text of the Tripoli Agreement between Chad and Sudan.

Other Relevant Facts

CAR: Special Representative of the Secretary-General

Lamine Cissé (Senegal)

BONUCA

Strength as of 30 September 2006:
19 internationals, five military, six 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 31 December 2007

Iraq

Expected Council Action

The mandate of the UN Assistance Mission in Iraq (UNAMI) will expire on 10 August. The Council is expected to extend it for twelve months. Resolution 1546 in June 2004 established the mandate of the UN in Iraq and authorised the presence of the Multinational Force (MNF). Resolution 1723 in November 2006 extended the MNF authorisation and, in a preambular paragraph, updated the UNAMI mandate.

Council members seem keen to take this opportunity of renewing the mandate to formally revise and adapt it to the current situation. There is also an interest in delinking the UNAMI mandate from the MNF resolutions. In addition, there seems to be a US interest in expanding the role of the UN in Iraq and perhaps also enhancing its role and status with the appointment of a new high-level envoy.

Key Recent Developments

On 28 May and 24 July, the ambassadors of the US and Iran met in Baghdad at meetings attended by Iraqi Prime Minister Nouri al-Maliki to discuss the security situation in Iraq.

The 5 June report of the Secretary-General on UNAMI noted that:

- the humanitarian situation was deteriorating steadily and that UN agencies needed



to undertake immediate humanitarian assistance in light of growing demands for UN leadership;

- political, sectarian and criminal violence continued despite the "surge" of the MNF in Baghdad in early 2007;
- the security situation was "a major limiting factor for the UN presence and activities in Iraq" especially since instances of attacks in the Green Zone have increased;
- an "expanded role and presence" of the UN in Iraq where possible and when circumstances permitted would be considered; and
- there had also been some progress: the neighbouring states' technical committees on security, displaced Iraqis and energy supplies were activated in May in Baghdad following the early May Sharm El-Sheikh aid commitments. The adoption of a law to establish an Independent High Electoral Commission was seen as a notable achievement.

On 13 June, the Council reviewed the mandate of the MNF, following briefings by the US, the Iraqi foreign minister and the Secretary-General's Special Representative for Iraq. That same day the Council adopted a press statement welcoming the planning of a new UNAMI compound in Baghdad (SC/9042).

In a statement on 5 June, the UN High Commissioner for Refugees warned that the situation continued to worsen with more than two million Iraqis now believed to be displaced within the country and another 2.2 million having fled to neighbouring states. Around 820,000 people, including 15,000 Palestinians, have been displaced since the bombing of the Shi'a shrine in Samara on 22 February 2006, which fuelled sectarian violence. Data also showed that the three months ending 30 June were the deadliest for US troops since the war began in 2003, with 330 killed.

The situation along the border with Turkey also deteriorated. On 7 June, Turkey

announced that several areas near the border would become “temporary security zones” and started a military build-up to prevent Kurdish rebels from launching raids into Turkey. This fuelled concerns about a possible Turkish incursion into northern Iraq.

Bombings carried out against Iraqi civilians have continued, but since January 2007, sectarian killings in Baghdad and nationally seem to have declined.

An interim report by the US National Security Council, which was made public on 12 July and presented to the US Congress, claimed that the Iraqi government had made some progress.

Council resolution 1762 adopted on 29 June terminated the mandate of the UN Monitoring, Verification and Inspection Commission (UNMOVIC) established in 1999 and of the Council-mandated work of the IAEA in Iraq, underway since 1991.

Options

The Council has several options in redefining the UNAMI mandate. It could:

- simply extend the mandate without change;
- revise and update the mandate in a new resolution delinking it from the authorisation for the Multinational Force;
- expand UNAMI’s current areas of responsibilities and add new ones, in particular those more forward looking, including reconciliation, rule of law, humanitarian aid and international and regional processes;
- re-define the mandate of the Secretary-General’s Special Representative; and
- express interest in detailed plans for further enhancement of security conditions for UN personnel in Baghdad.

Key Issues

The main issue for the Council seems to be how far to go in specifying new areas for the UN, mindful that the security situation remains a major obstacle for the UN to undertake any larger role at this time.

A related issue is whether to delink the UNAMI mandate and activities of the MNF, which have gone hand in hand since the adoption of resolution 1546.

Council Dynamics

Most Council members seem to agree on the need to reformulate the UNAMI mandate in a new resolution. There is wide support in principle for a greater and more independent UN involvement. However, there is also recognition that a more visible UN presence remains a challenge, especially in insecure areas. There seems to be wide support for delinking from the MNF resolutions and for the UN to be seen to have a life of its own in Iraq, independent from the MNF.

On 17 July, US President George Bush asked the Secretary-General to encourage greater UN engagement in Iraq. The US has also publicly asserted that there is a need to redefine and enhance the mandate of the Special Representative to allow him to play a more active political role.

At press time, the US and the UK were preparing a draft resolution. It is likely to support extending the UNAMI mandate by one year coupled with reinvigorating the mandate. While they support increased responsibilities for UNAMI in its current areas (political assistance, constitutional process, human rights, reconstruction, international compact) they are also eager to see the UN playing a greater role in reconciliation and humanitarian assistance and to see an overall larger role played bilaterally in those areas by individual states.

As the fourth anniversary of the 19 August 2003 bombing of the UN building in Baghdad approaches, it seems that while the Secretariat is ready to play a larger role, it will not risk sending more UN personnel without secure and adequate facilities.

The refugee crisis remains a major concern for some members. Indonesia has been particularly engaged on the Iraq issue and even organised a reconciliation conference in Jakarta in April gathering Iraqi political leaders.

Underlying Problems

The Constitutional Review Committee requested an extension of its deadline for submitting its recommendations on constitutional amendments to the Iraqi parliament. At press time, the Committee was still working on changes.

UN Documents

Latest Security Council Resolutions

- S/RES/1762 (29 June 2007) terminated UNMOVIC’s mandate.
- S/RES/1723 (28 November 2006) extended the MNF’s mandate until 31 December 2007 and expanded the UNAMI mandate.
- S/RES/1700 (10 August 2006) extended the UNAMI mandate for another 12 months.
- S/RES/1546 (8 June 2004) endorsed the formation of the interim government and the holding of elections by January 2005, welcomed the end of the occupation by 30 June 2004, endorsed the proposed timetable for the political transition, requested quarterly reports, detailed the mandate of the Special Representative of the Secretary-General, UNAMI and authorised the MNF.
- S/RES/1284 (17 December 1999) created UNMOVIC to replace UNSCOM (UN Special Commission).
- S/RES/687 (3 April 1991) established UNSCOM and the programme of the IAEA inspections.

Selected Reports

- S/2007/330 (5 June 2007) was the latest UNAMI report.

Other

- S/2007/412 (25 June 2007) and S/2007/413 (6 July 2007) exchange of letters between the Secretary-General and the Council on the construction of a new UN compound in Baghdad.
- SC/9042 (13 June 2007) was the Council press statement welcoming planning of a new UNAMI compound in Baghdad.

Other Relevant Facts

Special Representative of the Secretary-General for Iraq

Ashraf Jehangir Qazi (Pakistan), mandate expires in August

Deputy Special Representative

Jean-Marie Fakhouri (Lebanon)

Secretary-General's Special Advisor on the International Compact with Iraq

Ibrahim Gambari (Nigeria)

Composition of the MNF (as of 17 January 2007)

Albania, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Czech Republic, Denmark, El Salvador, Estonia, Georgia, Japan, Kazakhstan, South Korea, Latvia, Lithuania, Macedonia, Moldova, Mongolia, Poland, Romania, Singapore, Slovakia, Ukraine, UK and the US

Useful Additional Sources

- *Iraq's Displacement Crisis: The Search for Solutions*, Forced Migration Review, June 2007
- *Taking Sides or Saving Lives: Existential Choices for the Humanitarian Enterprise in Iraq*, by Greg Hansen, Feinstein International Center, Humanitarian Agenda — Iraq Country Study, June 2007
- *Where Is Iraq Heading? Lessons from Basra*, International Crisis Group, Middle East Report No. 67, 25 June 2007

Lebanon

Expected Council Action

The Council is expected to renew the mandate of the UN Interim Force in Lebanon (UNIFIL), which expires on 31 August. The Council will receive recommendations from the Secretary-General in early August and an extension of the mandate for 12 months is likely.

The UNIFIL resolution is likely to be considered separately from any Council consideration of substantive issues in Lebanon. At time of writing, these were the subject of intense negotiations over a presidential statement regarding arms smuggling from Syria and other issues covered by resolution 1701. In the event that the state-

ment is not adopted by 31 July it is expected to be taken up again in early August.

Key Recent Developments

Fighting between the Lebanese army and Palestinian militants from Fatah al-Islam continued in July and even intensified. There had been at least 221 casualties including 100 Lebanese soldiers.

The Lebanon Independent Border Assessment Team (LIBAT) report published on 26 June noted that the Syrian-Lebanese border was not secure, in part because Lebanese forces lacked both capacity and will.

The Secretary-General's report on implementation of resolution 1701, issued at the end of June, noted the following.

- Instability was ongoing, especially terrorist bombings, attacks against UNIFIL, the firing of rockets against Israel and fighting in Palestinian camps posed a huge challenge to the stability of the country.
- There had been a significant increase in Israeli air violations.
- Reports of breaches of the arms embargo along the Syrian-Lebanese border remained disturbing. Israel continued to claim that Hezbollah was rebuilding its military capacity north and south of the Litani River.
- The Popular Front for the Liberation of Palestine and Fatah Intifadah had reinforced their outposts throughout Lebanon. This could not occur without the knowledge and support of the Syrian government.
- Syria should do more to control its border with Lebanon and that specific proposals should be presented by the Syrian authorities before September.
- There had been no progress on the issue of the abducted Israeli soldiers, but Hezbollah hinted at a possibility of a compromise before the next report on resolution 1701 in September.
- Syria had not restarted the work of the Syrian-Lebanese Border Committee.
- There had been solid progress toward a provisional geographical definition of the Sheb'a Farms. The UN cartographer would hold talks with the relevant parties including Israel, Lebanon and Syria.

The US, the UK and France proposed a draft presidential statement endorsing the LIBAT recommendations, supporting the Secretary-General in his efforts on the Sheb'a Farms issue and addressing other key issues related to the implementation of resolution 1701, including language urging Syria to do more to prevent arms smuggling and to reactivate the Syrian-Lebanese Border Commission.

In June, the Lebanese government requested a one-year renewal of the UNIFIL mandate. On 12 July, UNIFIL troop-contributing countries met and reportedly discussed ways to enhance UNIFIL's security, which has become a serious matter of concern with the 24 June attack that killed six peacekeepers.

The Council also received on 12 July the latest report of the UN International Independent Investigation Commission (UNIIC) on the assassination of former Lebanese Prime Minister Rafik Hariri in 2005. The report noted that the investigation was making good progress and had identified more individuals possibly involved in the assassination. It also identified "commonalities" between the Hariri murder and other attacks, all linked to the political context in Lebanon following the adoption of resolution 1559 in 2004. However, the situation in Lebanon has made witness cooperation and staff recruitment difficult.

On 14 and 15 July, the French Minister of Foreign Affairs organised an inter-Lebanese meeting near Paris, gathering 31 representatives of all 14 political groups involved in Lebanon's national dialogue, including Hezbollah and civil society. The discussions focused on the need to strengthen the Lebanese state. France subsequently intensified its diplomacy to assist resumption of political dialogue in Lebanon including breaking new ground by sending a high level envoy to Syria.

Options

The Council could:

- decide upon a one-year extension of an unchanged UNIFIL mandate;
- decide to renew and perhaps enhance the mandate, in particular in the field of disarmament;
- include additional measures in the resolution regarding the safety and security of UNIFIL personnel; and
- let the UN's Department of Peacekeeping Operations readjust the way UNIFIL operates to reinforce its own security, without changing the mandate.

Finally, given that it is the anniversary of resolution 1701, the Council could revisit the set of 1701 issues and perhaps readjust those elements that have remained at a standstill or have deteriorated. These include:

- strengthening the arms embargo;
- address the issue of Israeli overflights;
- pressing Syria to do more to prevent arms smuggling and to reactivate the Syrian-Lebanese Border Commission;
- endorsing Lebanese Prime Minister Fouad Siniora's seven-point plan regarding the Sheb'a Farms;
- urging more progress on the issue of Lebanese and Israeli prisoners;
- calling for the resumption of the inter-Lebanese dialogue; and
- reiterating the call on Israel and Lebanon to support a permanent ceasefire and a long-term solution.

Key Issues

A key issue is whether to revisit the 1701 process in August or, instead, proceed with a simple UNIFIL extension, leaving the substantive elements to separate presidential statements.

One issue that may arise during discussions on the UNIFIL mandate is the increasing threat to UN troops and personnel in southern Lebanon. The Council may have to decide whether there is a need to reflect this in the resolution or whether adjustments at the operational level would suffice—including a better use and availability of adequate equipment (such as counter improvised explosive device technology); enhanced coordination with the Lebanese army, within UNIFIL and within the Tripartite commission;

improved contacts with the local population; and a change in patrolling strategies.

Finally, a key issue is arms smuggling. Because UNIFIL is not deployed along the Syrian border it is not responsible for monitoring cross-border traffic. The Council therefore has to identify other ways to enhance border security and will be eager to assess the results of the implementation of the LIBAT recommendations.

Council and Wider Dynamics

Although the US at one point seemed to prefer a reinforcement of the arms embargo, there now seems to be consensus among the P3 (the US, the UK and France) that action on smuggling of weapons should be a progressive process. Stronger measures, such as Council monitoring or enforcing compliance with resolution 1701 through sanctions, would be considered only if there is clear proof of arms smuggling or if the implementation of the LIBAT recommendations reveals itself to be insufficient.

The US seems keen to increase pressure on Syria regarding the border delineation issue with Lebanon.

Most Council members seem to agree that UNIFIL should not be deployed along the border with Syria at this stage.

Most Council members are concerned about growing risks to UNIFIL and accept that modifications in the way UNIFIL operates may be needed to increase the security of troops. However, most consider that a modification of the mandate is unnecessary.

The troop contributors also have serious concerns about safety and security. They are therefore cautious about expanding UNIFIL's mandate.

Most Council members seem likely to agree that delinking renewal of UNIFIL from the 1701 political issues is desirable.

On the issue of Syrian-Lebanese border monitoring, some, especially the US, believe that in addition to the LIBAT recommendations, the Lebanese have to make more effort, such as reinforcing border crossings, establishing more checkpoints and better coordinating the work of Lebanese agencies.

Underlying Problems

On the Sheb'a Farms, although Israel has now engaged in discussions with the UN cartographer, a final solution is still some way off.

The issue of the abducted Israeli soldiers has not made any progress. It seems unlikely that Hezbollah will soften its position in the absence of movement on the Lebanese prisoners in Israel.

Security in the south remains volatile, especially in light of the recent attacks against UNIFIL. Although probably perpetrated by armed groups connected to the Palestinian militias, it remains unclear whether they were undertaken with Hezbollah's consent.

Selected UN Documents

Selected 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/1559 (2 September 2004) urged foreign forces to withdraw from Lebanon and militias to be disarmed.

Latest Presidential Statement

- S/PRST/2007/21 (25 June 2007) condemned in the strongest terms the 24 June attack against UNIFIL near Khayam.

Latest Secretary-General's Reports

- S/2007/424 (12 July 2007) was the latest UNIIIC report.
- S/2007/392 (28 June 2007) was the latest report on resolution 1701.
- S/2007/382 (26 June 2007) was the LIBAT report.
- S/2007/262 (7 May 2007) was the latest report on resolution 1559.

Selected Letters

- S/2007/409 (5 July 2007) was a letter from Lebanon enclosing a statistical table of Israeli violations in June.
- S/2007/396 (29 June 2007) was a letter from the Secretary-General enclosing a Lebanese request for a one-year extension of UNIFIL without amendment.

fighters. It seems, however, that the TFG has still not satisfied concerns that the agenda is sufficiently open or the safety of delegates can be assured.

The AU Peace and Security Council adopted a communiqué on Somalia on 18 July renewing AMISOM for six months and appealing for transition to a UN peace-keeping operation. It also called for a UN assistance package for AMISOM.

The Secretary-General's report in June repeated that a future UN operation would need robust capabilities concentrated in southcentral Somalia, given the destruction and chaos after years of conflict. To be effective and able to generate the necessary personnel, the operation would require a relatively stable environment, including a credible ceasefire, agreement from all major parties and an ongoing political process.

In early July, the IMO again raised the piracy issue. It suggested that Council members request the TFG to consent to the entrance of foreign ships in Somali waters to engage pirates. (Two years ago in 2005 an earlier IMO request led the Council to include language in a presidential statement (S/PRST/2006/11) encouraging states to "take appropriate action [in international waters and airspace adjacent to Somalia's coast] to protect merchantshipping, in particular the transportation of humanitarian aid...in line with relevant international law.")

Options

Options include:

- a simple renewal of AMISOM's authorisation;
- emphasising the importance of generating sustainable voluntary funding for AMISOM, perhaps through convening an open Council debate including key partners and potential contributors;
- addressing concretely the AU request for a support package, perhaps beginning with light logistics and technical assistance similar to the initial UN support package for the AU Mission in the Sudan (AMIS);

Other Relevant Facts

Secretary-General's Special Coordinator for Lebanon

Geir O. Pedersen (Norway)

UNIFIL Force Commander

Major General Claudio Graziano (Italy)

Size and Composition of UNIFIL

- Authorised: 15,000 troops
- Current (as of 30 June 2007): 13,286 military personnel, including 11,113 ground troops and 2,000 personnel in the Maritime Task Force, in addition to 179 staff officers at the Naqoura headquarters and 21 national support elements, assisted by 51 UNTSO military observers. As of 5 June, there were 706 UNIFIL civilian staff.
- Troop-contributing countries: Belgium, China, Cyprus, Denmark, Finland, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Luxemburg, Malaysia, Nepal, Netherlands, Poland, Portugal, Qatar, Republic of Korea, Slovakia, Slovenia, Spain, Sweden, Tanzania and Turkey.

Cost (approved budget)

1 July 2007 - 30 June 2008:
748.20 million

Useful Additional Sources

- *Israel/Lebanon: A Year Later, No Justice for War Violations*, Human Rights Watch, 12 July 2007
- *Lebanon: Investigate Army Shooting of Palestinian Demonstrators*, Human Rights Watch, 4 July 2007

Somalia

Expected Council Action

It is unclear whether in August the Council will take up the full scope of issues relating to Somalia, especially in light of the detailed consideration given to it in resolution 1766 on 23 July which addressed the political reconciliation process, the arms embargo and the renewal of the sanctions Monitoring Group.

A resolution reauthorising the AU Mission in Somalia (AMISOM), whose mandate expires on 20 August, is expected. Factors which could trigger a more substantial resolution include:

- the possible need to step up pressure on the Transitional Federal Government (TFG) regarding political reconciliation;
- AU requests for a financial, logistical and technical UN support package for AMISOM; and
- the call from the International Maritime Organisation (IMO) for Council action against piracy off the coast of Somalia.

Key Recent Developments

The security and humanitarian situation in Somalia continues to be serious. Violence persists and piracy is increasing. There are increasing numbers of internally displaced persons and violence prevents the return of some 375,000 civilians who fled Mogadishu earlier this year. The violence is also taking a serious toll on the provision of humanitarian aid.

On 28 June, in a private Council debate, Somali Prime Minister Ali Mohamed Gedi reiterated calls from the TFG for a transition from AMISOM to a UN operation. A number of Council members responded that the deployment of a UN operation would depend on tangible progress with political reconciliation. At the meeting, Gedi renewed TFG pledges for an all-inclusive reconciliation conference.

On 15 July, the conference opened after two postponements. About 1,000 delegates attended but it was then suspended and marred by security problems.

Widespread criticism surrounded the conference's opening. Observers noted that the agenda seemed to exclude the key issue of power-sharing. Some were also concerned about TFG dominance of the process and agenda, the absence of international officials to monitor the conference, and the absence of delegates from the main groups opposing the TFG. One of the main clans, the Hawiye, were not represented at a senior level. Representatives of the Union of Islamic Courts (UIC) refused to participate.

Some Hawiye leaders, together with the UIC, demand the withdrawal of Ethiopian troops and, for security reasons, the selection of a venue other than Mogadishu.

On 25 July, the TFG stated that the conference was open to all, including rebel legislators based in Asmara and insurgent

- taking a more active role in fostering the political process by stepping up levels of UN engagement, particularly by taking the lead on the need to include power-sharing in the conference's agenda and perhaps addressing the venue problem;
- mandating the provision of senior UN political advisers to the conference's organisational committee and requesting the establishment of a UN advance political mission in Mogadishu;
- instituting a series of closed meetings with key stakeholders to monitor progress with the conference and efforts to reach a cessation of hostilities;
- canvassing the possibility of a ceasefire, possibly including monitoring by UN observers;
- responding positively to the IMO request; and
- addressing specifically the regional dimension more comprehensively, in particular by bearing in mind the Eritrean dimension identified by the Monitoring Group and the likely connection with Ethiopian/Eritrean situation.

Key Issues

The key issue for the Council in August is renewal of the AMISOM mandate and whether to also take up at the same time wider issues, such as ensuring progress is made with all-inclusive political reconciliation.

A related issue is striking the appropriate balance between Somali ownership of the political process and the need for a comprehensive, widely accepted outcome. A connected issue is the risk associated with insufficient UN involvement early in the process, which in the past has led to unsustainable agreements that the UN may be called to assist in implementing through peacekeeping.

Another issue is how best to ensure security for the political process. Cessation of hostilities, Ethiopian troop withdrawal and strengthening AMISOM are key questions.

The issues of linkages with other regional problems and concerns with counterterrorism aspects are also likely to be on members' minds.

Council Dynamics

There seems to be a relative consensus that, for now, the conditions for UN peacekeeping are not present and that significant progress with political reconciliation will be

needed. Members so far appear to be in a wait-and-see mode on the reconciliation conference, albeit there is strong sympathy for the difficulties faced by AMISOM and some support for a practical response to AU requests.

Some seem increasingly frustrated with the lack of progress with reconciliation and concerned about the TFG's role in leading a process that has so far only resulted in non-participation of the very parties who need to be at the table. There seems also to be concern with the lack of transparency in the conduct of the conference and participation. Some have an interest in stepping up signals to the TFG on the need to deliver and on the establishment of a ceasefire.

African members remain strongly concerned with the lack of support for AMISOM and for future prospects to transfer peacekeeping responsibilities to the UN. Eventual transition to UN peacekeeping seems to be viewed positively in principle by the US, the UK, China and Italy.

There is some concern about limiting Council and UN involvement to merely assessing the fulfilment of conditions for UN peacekeeping deployments.

Overall, most members seem to view the strengthening of AMISOM as the best short-term solution, but some may be uncomfortable with adopting an assistance package that includes UN financial resources.

UN Documents

Selected Security Council Resolutions

- S/RES/1766 (23 July 2007) renewed and expanded the Monitoring Group's mandate, threatened action against violators of the arms embargo and reinforced the political dialogue process.
- S/RES/1744 (20 February 2007) authorised AMISOM.
- S/RES/733 (23 January 1992) imposed the arms embargo.

Selected Presidential Statement

- S/PRST/2007/19 (14 June 2007) underscored that the reconciliation congress should be comprehensive and should agree on a roadmap for the remainder of the transitional political process.
- S/PRST/2006/11 (15 March 2006) encouraged states to take action against piracy in waters adjacent to Somalia after the 2005 IMO request.

Latest Secretary-General's Report

- S/2007/381 (25 June 2007)

Other

- S/2007/444 (18 July 2007) was a communiqué by the AU Peace and Security Council on the situation in Somalia.
- S/2007/436 (17 July 2007) was the letter from the Sanctions Committee chairman transmitting the latest Monitoring Group report.
- S/2007/421 (11 July 2007) and S/PV.5717 (16 July 2007) were respectively the report and the record of the Council meeting on its June visit to Africa.

Other Relevant Facts

Special Representative of the Secretary-General

François Lonseny Fall (Guinea)

Chairman of the Sanctions Committee

Dumisani S. Kumalo (South Africa)

AMISOM: Size and Composition

- Maximum authorised strength: 7,650 troops plus maritime and air components.
- Strength as of 1 July 2007: about 1,600 Ugandan troops.

AMISOM: Duration

February 2007 to present; AU mandate expires on 17 January 2008 and Council authorisation expires on 20 August 2007

Liberia

Expected Council Action

The Council is expected to receive the much anticipated Kimberley Process report and review the termination of the diamonds embargo in line with resolution 1753 which encouraged the Kimberley Process Certification Scheme (KPCS) to report within ninety days to the Council, through the Council's 1521 Sanctions Committee concerning Liberia, on the country's application to the KPCS. The ability of Liberia to meet the recommendations of the KPCS is expected to be the main concern in the Council. A Council press or presidential statement is possible. The Council is also expected to review future troop levels of the UN Mission in Liberia (UNMIL). However, the report from the Secretary-General detailing a drawdown plan for the mission may not come until late August so action on this

aspect could be taken up in September in conjunction with mandate renewal. UNMIL's mandate expires on 30 September.

Key Recent Developments

On 19 July the government of Liberia announced the arrest of five people in connection with an alleged coup attempt. Those detained included former Speaker of Parliament George Koukou and General Charles Julu, the former head of the presidential guard during the regime of ex-President Samuel Doe and leader of a 1994 coup attempt. Officials released video recordings by Liberian intelligence services as alleged proof of the coup plot and to support an ongoing investigation. The accused have subsequently been charged with treason and remain in prison pending trial.

On 12 July, the government submitted a bill to parliament regarding the seizure of the property of former President Charles Taylor, his relatives and associates. Legislative authority is sought to request the assistance of other countries in tracking, freezing and confiscating the funds, properties and assets of those concerned. The Panel of Experts on Liberia reported to the Council in June (S/2007/340) that it had not yet ascertained the allegations of investment by Charles Taylor in Nigeria. This was because the Panel received no response from the Nigerian government to its requests to visit the country to verify the allegations.

The war-crimes trial of former President Charles Taylor by the Special Court for Sierra Leone commenced on 4 June 2007 in The Hague. Taylor boycotted the first hearing on the grounds that he would not get a fair hearing since he was not satisfied with the calibre of his court-appointed lawyer. The trial was adjourned subsequently until 3 July, and again to 20 August to allow a defence team to be appointed for Taylor. The Court approved an expanded defence team and Taylor appeared for the next hearing. (For more details on recent action by the Special Court for Sierra Leone see the Sierra Leone brief in this *Forecast*.)

On 20 June, the Council adopted resolution 1760 renewing the mandate of the Panel of Experts on monitoring the sanctions regime imposed on the country. The resolution also anticipated the submission of the report of the Kimberley Process on Liberia.

Key Issues

The key issues before the Council include:

- reviewing the impact of the diamonds embargo in light of the expected Kimberley Process report;
- overall consolidation of peace within the country; and
- eventual drawdown of UNMIL.

Council members remain mindful of the fragile stability in the country and are likely to use the review of the Kimberley Process report to assess progress and/or challenges in Liberian compliance with the KPCS. Another issue of concern to some members of the Council is the peacebuilding needs of the country.

The issue of ongoing security continues to be a concern and is highlighted by the recent arrests in connection with the alleged coup attempt to overthrow President Ellen Johnson-Sirleaf's government. In this regard, an issue which may arise is the need to include language reflecting these concerns in any statement issued by the Council.

Council Dynamics

In considering a future drawdown of UNMIL, Council members will be mindful of developments in neighbouring countries like Côte d'Ivoire and Guinea that could pose a threat to Liberia. African members in particular have been in the lead in stressing the need that such action has to be carefully considered without compromising Liberia's fragile security. Council members appear to have adopted a wait-and-see attitude and may prefer to delay discussion of this aspect until the Secretary-General's report is available.

Options

Possible options for the Council include:

- adopting a press or presidential statement on the Kimberley Process report with the Council's comments on the country's level of compliance with the KPCS;
- starting discussion at the expert level on UNMIL drawdown based on recommendations of the Secretary-General's upcoming report; and
- requesting the Secretariat to brief it on the security situation in light of the recent coup attempt and including this aspect in any statement issued.



Underlying Problems

Underlying issues centre on the stability of the country and its immediate neighbours. Major elements include limits on the government's capacity and youth unemployment, which now stands at about 85 percent, and associated reintegration of ex-combatants.

UN Documents

Selected Security Council Resolutions

- S/RES/1760 (20 June 2007) renewed the mandate of the Panel of Experts on Liberia.
- S/RES/1753 (27 April 2007) lifted the diamonds embargo.
- S/RES/1750 (30 March 2007) renewed UNMIL until 30 September and requested detailed drawdown plans.
- S/RES/1731 (20 December 2006) renewed sanctions.
- S/RES/1532 (12 March 2004) imposed an assets freeze against former President Charles Taylor and associates.
- S/RES/1521 (22 December 2003) imposed sanctions.
- S/RES/1509 (19 September 2003) established UNMIL.

Selected Secretary-General's Reports

- S/2007/151 (15 March 2007) was the latest UNMIL report.
- S/2007/143 (13 March 2007) was a report on cross-border issues in West Africa.

Other

- S/2006/340 (24 May 2007) was the latest report of the Panel of Experts on Liberia.
- S/2006/1044 (28 December 2006) was the latest Sanctions Committee report.
- S/2006/976 (13 December 2006) was a report of the Panel of Experts.

Other Relevant Facts

Special Representative of the Secretary-General

Alan Doss (United Kingdom)

UNMIL: Size, Composition and Cost

- Total authorised strength: up to 14,875 military and 1,240 police
- Strength as of 30 June 2007: 14,151 military and 1,176 police
- Key troop-contributing countries: Bangladesh, Ethiopia, Nigeria and Pakistan
- Approved Budget: 1 July 2007 - 30 June 2008: 721.72 million

UNMIL: Duration

September 2003 to present; mandate expires 30 September 2007

Sierra Leone

Expected Council Action

The Council is expected to follow developments in Sierra Leone's presidential and parliamentary elections, which are scheduled for 11 August. It also is likely to issue a presidential statement on the outcome of the elections.

It is still unclear when the Council will take up the anticipated report from the Secretary-General on the role of the United Nations Integrated Office in Sierra Leone (UNIOSIL). Resolution 1734 provides for this report to be submitted to the Council "closer to the election date" to assist it in defining an exit strategy for UNIOSIL (the mandate of UNIOSIL expires on 31 December). However, in S/2007/257 the Secretary-General said that he was planning to submit the report before October.

Recent Developments

The presidential and parliamentary elections in Sierra-Leone, originally scheduled to take place on 28 July, were postponed to 11 August because the country's electoral commission indicated that sufficient time was needed between the dissolution of parliament on 25 June and the elections. Also, the new date is expected to provide time to organise the polls, including printing ballots and receiving all nominations. The campaign for the elections commenced on 10 July and on 12 July the Executive Representative of the Secretary-General, Victor Angelo, met in Freetown with representatives of the various parties participating in the August polls in an inter-

party dialogue to deliberate on preparations for the elections and related confidence-building measures.

The war-crimes trial of former Liberian President Charles Taylor by the Special Court for Sierra Leone commenced on 4 June in The Hague. Taylor boycotted the first hearing, claiming that he was not satisfied with the calibre of his court-appointed lawyer and lacked the resources to match those available to the prosecution. The trial was adjourned subsequently until 3 July, and again to 20 August to allow a defence team to be appointed for Taylor. Following the Court's decision to accede to his request for an enhanced defence team Taylor appeared in court for the next hearing.

The Special Court announced on 12 July that it had signed an agreement with the United Kingdom under which Taylor will serve his sentence in the UK if convicted on the war-crimes charges. The Court had previously signed similar agreements with Sweden and Austria.

On 8 June senior Court officials briefed the Council on the Special Court's progress and challenges. Notably, they called on UN member states to urgently address the Court's funding shortfall, by making available an additional sixty million dollars to enable it to meet the targeted completion of its work by the end of 2009. This included anticipated costs of the Court's case against Charles Taylor.

The Special Court on 20 June handed down its first verdicts when it found three leaders of the former rebel group Armed Forces Revolutionary Council (AFRC), which had allied itself with the Revolutionary United Front rebels (RUF) against the Sierra Leonean government during the civil war, guilty on 11 counts of war crimes and crimes against humanity. They were however acquitted of one count of physical violence and two counts of sexual violence. On 19 July the Court sentenced two defendants to fifty years each in jail and the other to 45 years. The AFRC had launched a coup on 25 May 1997, six months after the signing of a peace agreement, and wrested power from then President Ahmed Tejan Kabbah.

On 28 June the Council issued a presidential statement in which it reaffirmed its support for the Special Court and commended the progress it had achieved, welcomed the beginning of the trial of Charles Taylor and congratulated the Court for handing down its first judgement on

the AFRC case. It also acknowledged the Court's progress towards realising its completion strategy as well as its financial needs and it urged the international community to sustain support to the Court. The Council also recognised the need for further arrangements to address residual matters after trials and appeals are completed, such as those related to long-term enforcement of sentences for individuals convicted, future trials for any persons currently at large, witness protection and the preservation of the Court's archives.

PBC Related Developments

In June the UN and Sierra Leone completed the draft of an "Integrated Peacebuilding Strategy" for Sierra Leone. The PBC decided to defer finalisation of the draft, called a "Compact", until after the 11 August elections. On 12 July the UN Peacebuilding Fund Steering Committee for Sierra Leone approved four new projects to assist in the electoral process, health, water and sanitation facilities. In total, the number of projects now supported by the Fund in Sierra Leone has been brought to seven, amounting to a little over 16 million.

Key Issues

Key issues before the Council include:

- the success of the upcoming elections;
- considering the future of UNIOSIL after the elections;
- ensuring effective consolidation of peace and stability, now largely in the hands of the Peacebuilding Commission (PBC), by tackling the root causes of the past conflict; enhancing good governance; economic recovery as well as requisite security sector reforms, access to justice and the promotion of human rights; and
- ensuring proper handling of the residual issues from the Special Court.

Council Dynamics

Council members generally appear to be less engaged in developments regarding Sierra Leone, partly because the situation has been relatively more stable over the past year and also partly because of the emerging role of the PBC. The Council will await the outcome of the elections to inform its next steps, with possibly the United Kingdom and Ghana leading a drive to come up with a presidential statement.

It is unclear whether the assessment report by the Secretary-General on the role of UNIOSIL will be made available for the Council's

consideration prior to or after the elections. The Council seemed to anticipate it would be submitted to the Council before the election date (S/RES/1734).

Underlying Problems

The underlying problems remain issues relating to threats to the fragile security situation in the country, including youth unemployment and poor living standards, lack of vital local institutional capacity and adequate resources.

UN Documents

Selected Security Council Resolutions

- S/RES/1750 (30 March 2007) noted that UNMIL should continue to provide administrative and related support and security for activities in Liberia of the Special Court of Sierra Leone.
- S/RES/1734 (22 December 2006) extended the mandate of UNIOSIL until 31 December 2007 and requested a comprehensive assessment of UNIOSIL's role closer to the election date.
- S/RES/1688 (16 June 2006) requested the Secretary-General to assist in the transfer of former Liberian President Charles Taylor to the Special Court's special outpost in the Netherlands.
- S/RES/1626 (19 September 2005) mandated UNMIL to provide security for the Special Court of Sierra Leone.
- S/RES/1620 (31 August 2005) established UNIOSIL.

Selected Presidential Statement

- S/PRST/2007/23 (28 June 2007) was on the work of the Special Court for Sierra Leone.

Selected Secretary-General's Report

- S/2007/257 (7 May 2007) was the fourth report of the Secretary-General on UNIOSIL.

Selected Letter

- S/2006/1050 (20 December 2006) was the letter from the chairman of the PBC to the president of the Council on the Burundi and Sierra Leone country-specific meetings.

Peacebuilding Commission

- PBC/SIL/2006 SR.3 and SR.4 were the summary records of the third and fourth meetings of the PBC.
- PBC/OC/1/2 (21 June 2006) was a letter from the Council president to the Secretary-General referring Sierra Leone to the PBC.

Other Relevant Facts

UNIOSIL Executive Representative of the Secretary-General

Victor da Silva Ângelo (Portugal, he also serves as UNDP Resident Representative and UN Resident and Humanitarian Coordinator for Sierra Leone)

Size and Composition of Mission

Total budgeted staff of 298, comprising 82 international staff, 192 local staff and 24 UN volunteers

Cost

Estimated resource requirements for 2006 are 23.3 million

Duration

1 January 2006 to present; current mandate expires 31 December 2007

Timor-Leste

Expected Council Action

Later in August, the Council is due to receive a report from the Secretary-General with recommendations on the future of the UN Integrated Mission in Timor-Leste (UNMIT). It is unclear whether Council members will want to address in August the issue of the mandate and size of the mission in the post-election period. Some preliminary thinking is nonetheless likely once members receive the report, especially in light of the situation in the country following the recent elections.

If the situation remains calm it seems likely that Council discussion will be left until September. A Secretariat briefing is likely. UNMIT's mandate expires on 26 February 2008.

Key Recent Developments

The situation in Timor-Leste remains fragile. An estimated 100,000 (about 12 percent of the population) are internally displaced and continue to live in camps more than a year after the violence in April-May 2006. Emergency assistance activities of the UN refugee agency (UNHCR) ceased in early July because of a shortage of funds.

In a largely peaceful second ballot in early May, José Ramos-Horta was elected president over Francisco Guterres (of the *Frente Revolucionária do Timor-Leste Independente*, or FRETILIN).



Violent clashes preceded the parliamentary elections held on 30 June. These clashes reportedly involved political supporters of the *Congresso Nacional da Reconstrução de Timor* (or CNRT, under the leadership of former President Xanana Gusmão) and FRETILIN (under the leadership of former Prime Minister Mari Alkatiri). UNMIT police and Australian-led International Stabilisation Force (ISF) troops intervened to contain violence. In late July Australian Prime Minister John Howard visited Timor-Leste and was asked by the country's president to keep the forces through 2008. Howard promised "not to turn our backs on the people of East Timor".

The parliamentary elections were largely a contest between CNRT and FRETILIN, and Gusmão and Alkatiri in particular. FRETILIN won with a small margin of 29 percent of the vote against 23 percent for CNRT. The lack of a clear majority raised concerns over possible instability and the need for a coalition government. CNRT reportedly had preliminary support from most other opposition parties.

At press time, there were reports that FRETILIN had agreed to a coalition government with CNRT. It is still unclear what this will mean in terms of choosing the new prime minister or how cabinet posts will be divided among political parties. A decision is possible by the end of July, when the new parliament is inaugurated.

On 26 July, the spokesperson for the Secretary-General announced that because of the long standing position of the UN against amnesties for genocide, crimes against humanity, war crimes or gross violations of human rights, UN officials will not testify at CTF proceedings or take any other steps that would support the work of the CTF.

Options

Available options are:

- an early presidential statement focussed on reinforcing the outcome of the elections;

- postponing consideration of UNMIT's future size and mandate until the new government is consolidated;
- considering repatriation of some of UNMIT's police, in particular the additional units for election security authorised in resolution 1745 in February;
- emphasising critical areas such as the formation of the new government, the review of the security sector and the reconstitution of the police, perhaps by requesting a new Secretariat report in three months (after the expected August report, the next one is only due by mid-January); and
- signalling that accountability issues remain critical to Timor-Leste's future stability, and that any solution must be compatible with international standards, particularly regarding serious crimes.

Key Issues

The key issue for the Council in the short term is ensuring that the security situation does not deteriorate as the new government is formed and starts to work. An underlying factor in that regard will be whether the political parties—particularly CNRT and FRETILIN—can reach a compromise and form a stable and coherent government.

An immediate issue is whether and when to consider changes to UNMIT's size and mandate in the post-election period. This is likely to depend on the security situation and the potential for instability. Another factor is whether there will be any changes to ISF's size and status, since the force provides a backstop to UNMIT and quick reaction capabilities.

A longer term question is when to address key aspects of UNMIT's mandate, in particular:

- reconstituting the Timorese police (by early June 1,200 out of about 3,200 had completed UNMIT's preliminary screening process, and full reconstitution could take three to five years);
- drafting the comprehensive review of the security sector, and the development compact for Timor-Leste as envisaged in resolution 1704 which created UNMIT in August 2006;
- addressing shortfalls in UNMIT's personnel, particularly investigators of serious crimes; and

- balancing the interplay between reconciliation and accountability for the 1999 and April-May 2006 violence.

Council and Wider Dynamics

There seems to be wide sympathy in the Council for Timor-Leste especially considering the challenges the country faces and the uncertain political environment.

Within the Council and the Core Group (Australia, Brazil, France, Japan, Malaysia, New Zealand, Portugal, the UK and the US) this seems to have translated into support to continue the current UNMIT and ISF arrangements for the time being. There is a sense that much remains to be accomplished before a revision of current UNMIT levels is explored.

At press time, there were no signals of proposals to the contrary. However, positions are still being formed within the Council and the Core Group, and positions may change depending on developments on the ground, as well as the assessment and specific recommendations of the Secretary-General.

Underlying Problems

Important questions remain regarding the future of accountability issues relating to the violence surrounding the 1999 independence referendum and the riots in April-May 2006, including the lack of follow-up on some of the recommendations of the International Commission of Inquiry.

A Commission of Truth and Friendship (CTF) between Timor-Leste and Indonesia was established to prepare a truth-seeking report on the 1999 violence. This was the means by which both countries would "close the chapter" on crimes committed in East Timor in 1999 while preserving bilateral relations. The CTF was renewed in June and its final report is now due by February 2008. So far, the CTF has conducted three rounds of hearings.

However, the CTF has attracted considerable international criticism including from the Secretary-General regarding the parts of its terms of reference allowing it to recommend amnesty for those involved in human rights violations. The Commission has also been criticised regarding the conduct of hearings in which individuals allegedly involved in the 1999 violence have offered new versions of events,

sometimes blaming other actors, including the UN, without cross-examination or questioning in light of contrary evidence. It seems the UN has chosen not to participate in CTF hearings.

UN Documents

Selected Security Council Resolutions

- S/RES/1745 (22 February 2007) extended UNMIT until 26 February 2008 and increased its size by up to 140 police personnel.
- S/RES/1704 (25 August 2006) created UNMIT.

Selected Report of the Secretary-General

- S/2007/50 (1 February 2007) was the latest Secretary-General's report.

Other

- S/PRST/2007/14 (23 May 2007) was a Council presidential statement welcoming the conclusion of the presidential elections.
- S/2006/822 (17 October 2006) was the International Commission of Inquiry report.

Historical Background

30 June 2007 Parliamentary elections took place.

Mid-May 2007 Ramos-Horta was confirmed as the new president.

April-May 2007 Presidential elections took place in two ballots.

February 2007 The CTF began hearings on the 1999 violence.

25 August 2006 The Council created UNMIT.

April-May 2006 Riots mostly involving police, armed forces and gangs took place leaving 100,000 civilians displaced.

5 August 2005 The CTF began its work.

May 2005 The Commission of Experts conducted its fact-finding mission, the UN Serious Crimes Unit concluded its activities and the residual UN Office in Timor-Leste (UNOTIL) was established.

December 2004 Timor-Leste and Indonesia decided to establish the CTF.

May 2002 The UN Transitional Administration in East Timor (UNTAET) was brought to

an end with Timor's official independence. The residual UN Mission of Support in East Timor (UNMISSET) was established.

October 1999 The Indonesian parliament recognised the Timorese independence referendum. UNTAET was established.

September 1999 Anti-independence violence stepped up. The Council authorised the deployment of a multinational force.

August 1999 The referendum took place, showing 78 percent supported independence.

January 1999 Indonesia decided to carry out the referendum.

December 1975 Indonesia occupied East Timor.

Other Relevant Facts

Special Representative of the Secretary-General

Atul Khare (India)

Size, Composition and Cost

- Maximum authorised strength: up to 1,748 police and 34 military liaison and staff officers
- Military component as of 30 June 2007: 1,626 police and 33 military observers
- Civilian component as of 31 May 2007: 583 international and 907 local personnel
- Key police contributors: Portugal, Malaysia, Pakistan and Bangladesh
- Cost: 1 July 2007–30 June 2008: US\$153.1 million (commitment authority for 25 August 2006 to 31 March 2007)

Duration

25 August 2006 to present; mandate expires 26 February 2008

International Stabilisation Force

- Size as of 14 May 2007: approximately 1,270 troops
- Contributors: Australia (1,100 troops) and New Zealand (170 troops)

Useful Additional Sources

- CTF Website: www.ctf-ri-tl.org

International Criminal Tribunal

Expected Council Action

In August the Council is expected to receive the annual reports of the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR).

The annual reports of the two Tribunals are published both as Council and General Assembly documents. They are usually discussed in the General Assembly in September. The 2007 reports are likely to address issues that have been before the Council for some time such as the outstanding arrest warrants and the "completion strategies". Mention of "legacy" issues is possible. Further Council discussion of the matter, in particular in the Council's Working Group on Ad Hoc Tribunals, is likely. Formal action is possible—although probably not in August.

The next report specifically on completion strategies is due at the end of November.

An issue that will be on Council members' minds will be the fact that Carla Del Ponte's term as ICTY Prosecutor ends in mid-September. A decision on a replacement will also be an important consideration.

Key Facts

The Security Council established the ICTY in 1993 in resolution 827 to bring to justice those responsible for violations of international humanitarian law in the territory of the former Yugoslavia during the war that began in 1991.

In the aftermath of the genocide in Rwanda in 1994, the Council established the ICTR in resolution 955.

These two Tribunals were the first international criminal tribunals since the Nuremburg and Tokyo tribunals were established after the Second World War. The ICTY and ICTR differed significantly from the earlier tribunals in that they were established by the Council under Chapter VII.

Both the ICTY and ICTR have jurisdiction to prosecute very specific crimes. The ICTY is authorised to prosecute persons responsible for grave breaches of the 1949 Geneva Conventions, violations of the laws of war, genocide and crimes against



humanity. It can hear only cases of crimes committed on the territory of the former Yugoslavia since 1991. It has so far tried 106 accused of which five were acquitted, 51 sentenced, 14 transferred to national jurisdiction and 36 died or had their indictments withdrawn. The ICTY is funded by the General Assembly through a special account for the ICTY and through voluntary contributions that are acceptable to the Secretary-General. The ICTY had cost a billion dollars by 2005 and its 2006-2007 budget is just over 275 million.

The ICTR has the power to prosecute persons responsible for serious violations of international humanitarian law in the territory of Rwanda between 1 January and 31 December 1994. The ICTR can also prosecute Rwandan citizens who committed crimes in neighboring countries during that period. It has tried 33 indictees of which 28 were convicted and five acquitted. Like the ICTY, the ICTR is funded through a special account and by voluntary contributions. From 1995 to 2007 the ICTR has spent almost a billion dollars. Its 2006-2007 budget is just over 250 million.

In 2003, the Council in resolution 1503 called on the ICTY and ICTR to take "all possible measures to complete investigations by the end of 2004, to complete all trial activities in the first instance by the end of 2008 and to complete all work in 2010". Resolution 1534 adopted on 24 March 2004 requested the ICTY and ICTR to "to provide to the Council, by 31 May 2004 and every six months thereafter" assessments on progress made towards implementation of the completion strategies and measures that remain to be taken.

Key Recent Developments

The Council's Working Group met on 19 June to discuss a joint draft paper prepared by the Tribunals on legacy and post-Tribunal issues. This paper had been submitted to the Working Group in April for review. The day before, the Council had received a briefing from the presidents and

prosecutors of both tribunals on their revised completion strategy reports submitted in May.

- Carla Del Ponte in her report stressed that the continuing impunity enjoyed by fugitives like former Bosnian Serb President Radovan Karadžić and his military commander Ratko Mladić undermined the principle of justice for the victims and affected the Tribunal's credibility. Four suspects indicted by the ICTY—Radovan Karadžić, Ratko Mladić, Stojan Župljanin, Goran Hadžić—remain at large.
- ICTR Prosecutor Hassan Jallow also underlined the importance of bringing the remaining Rwandan indictees to trial, particularly Félicien Kabuga.
- Both ICTR President Dennis Bryon and the ICTY President Fausto Pocar addressed the issue of transferring cases to national jurisdictions and the accompanying need to strengthen rule of law.

Serbia has recently taken steps to address the arresting of fugitives. The Serbian government's National Security Council established in May will coordinate national intelligence agencies involved in locating and apprehending ICTY indictees. The National ICTY Cooperation Council in Serbia has also been given more authority to process ICTY requests.

Zdravko Tolimir, a top aide to Ratko Mladić was arrested on the Bosnia-Serbian border in a joint operation by the Serbian and Bosnian police at the end of May. Tolimir was considered the third most wanted war criminal still at large in the Balkans after Mladić and Radovan Karadžić. Vlastimir Djordjević, a senior Serbian police official, was arrested in Montenegro on 17 June as a result of cooperation between the ICTY, Montenegro and Serbia. On 16 July he pleaded not guilty to five charges of murdering and persecuting ethnic Albanians in Kosovo.

On 20 July the ICTY decided to jointly try two Bosnian Serb paramilitaries accused of multiple crimes and whose cases are factually closely related in The Hague. Originally Sredoje Lukić was to be tried in Bosnia and Herzegovina but the ICTY revoked its referral of the case allowing him to be tried together with Milan Lukić and reducing the trauma on victims who now only have to testify once.

In Rwanda, the government has passed a bill which excludes the application of capital punishment for Rwandans accused of genocide. This bill is expected to facilitate the referral of cases from the ICTR to Rwandan courts. Rwanda has also developed a comprehensive capacity-building plan for the country's justice sector.

Options

The Council does not usually take up the annual reports of the Tribunals for detailed discussion.

However, given that key deadlines for completion of trials are drawing closer, the Council may want to be more assertive regarding the outstanding issue of suspects still at large, particularly Karadžić, Mladić and Kabuga. One option would be a resolution encouraging Serbia and other involved countries to fulfil their international obligations by stepping up cooperation with the Tribunal.

Other options include:

- implicit or explicit threats of measures against persons or institutions deemed to be blocking cooperation in securing the necessary arrests;
- approving additional steps to ensure the timely conclusion of the Tribunals' activities, such as providing more appeals judges and encouraging incentives for retaining current staff; and
- requesting a report from the Tribunals on all residual issues to be presented to the Council before the end of the year.

Key Issues

The key issues for the Council are that some of the major suspects indicted for serious crimes are still at large. How to proceed if the key fugitives are caught but there is not enough time to finish the trials by the end of 2008? The Council will have to decide whether to allow flexibility for the Tribunals to continue with these cases beyond 2008.

A practical issue is the retention of staff as the Tribunals wind down. This issue is likely to become more critical as the Tribunals move towards their completion dates. If key personnel depart this will further slow down trials and adversely impact the completion strategy.

Another significant issue is how to deal with what is described as "legacy issues." These are matters which would either survive the legal existence of the Tribunals or be created by their closure.

- Ongoing capacity for trials of fugitives and appeals: Should a single mechanism be set up or a skeleton body retained for each of the defunct ad hoc tribunals in order to try the remaining key indictees? Could the International Criminal Court (ICC) be empowered to play such a role?
- Supervision and commutation of sentences: What authority will be empowered to grant pardons or commute sentences?
- Review of cases: Natural justice requires some ongoing capacity to respond to requests for a review of judgement based on new facts. Could this be done by the ICC, or an ad hoc panel of judges appointed on a case-by-case basis, a fixed ad hoc panel of judges or an ad hoc panel of judges taken from a roster?
- Witness protection: Who would handle issues such as oversight of protective measures and review of applications for the modification of protective measures after 2010?
- Monitoring of referred cases: What body would be in charge of monitoring compliance with Tribunals' standards once cases are transferred to national authorities?

An important administrative issue relates to the future of the archives of the Tribunals. Where should they reside? Among the key factors are the availability and accessibility of judicial institutions. Rwanda, the AU, Tanzania and the Netherlands have all expressed interest in housing them. The United Nations is also a possibility.

Related to legacy issues are the financial implications after closure of the Tribunals, including pensions and health insurance schemes for former staff. This issue is likely to be brought up in the forthcoming annual reports.

An immediate issue is capacity for the appeals chamber. As the workload of the trial chambers winds down, increase in the work of the appeals chamber is expected. The judges of the one appeals chamber are

responsible for hearing appeals from both the ICTR and ICTY. It is likely, if the completion strategy is to be met, that the Council will have to consider the issue of an increase in the number of appellate judges in order to meet the 2010 deadline for completion.

Connected to meeting the 2010 deadline is the need to build capacity in national courts. Meeting the completion strategy deadlines, particularly for the ICTR, is heavily dependent on transferring remaining cases to competent national jurisdictions.

A continuing issue is the position of individuals who have been acquitted or have completed their sentences and fear for their safety if required to return to their home country. Very few countries are willing to take in these individuals. For example, only two of the five persons acquitted by the ICTR have been accepted by a member state.

Council Dynamics

There are some differences within the Council stemming from the interpretation of the 2010 deadline. Russia considers this a fixed deadline and expects the Tribunals to comply strictly with the schedule. It has said that it will not accept attempts to reinterpret the completion strategy. China's position is similar but it may be more flexible on legacy issues.

Most other members see 2010 as an indicative date rather than one set in stone. It is important to them that the Tribunals are still able to bring to trial after 2010 any of the high-level accused who have not been apprehended by 2010. There is concern among several members that if there is no mechanism for this the legacy of the Tribunals will be tarnished.

Another area that could cause differences among Council members is the issue of cost surrounding some of the legacy issues. In the end the General Assembly would have to approve the funding for any residual expenditure.

These different points of view may come to a head in the next few months as the Working Group begins to explore concrete options for the Tribunals' future.

UN Documents

Selected Security Council Resolutions

- S/RES/1534 (26 March 2004) called on the ICTY and ICTR to review their respective caseloads and requested both tribunals to provide the Council with a progress assessment of their completion strategies every six months.
- S/RES/1503 (28 August 2003) called on the ICTY and ICTR to complete all trial activities in the first instance by the end of 2008 and to complete all work in 2010.
- S/RES/955 (8 November 1994) established the ICTR and contained its statute in the annex.
- S/RES/827 (25 May 1993) established the ICTY and approved the statute as proposed by the Secretary-General in his report S/25704.

Selected Reports of the Secretary-General

- S/25704 (3 May 1993) contained the statute of the ICTY, as requested by resolution 808 of 22 February 1993.

Selected Letters

- S/2007/323 (23 May 2007) was the letter from the ICTR president to the Council president on the implementation of the completion strategy.
- S/2007/283 (15 May 2007) was the letter from the ICTY president to the Council president containing the latest progress report on the implementation of the completion strategy.
- S/2006/951 (30 November 2006) was the letter from the ICTR president to the Council president containing the progress report on the implementation of the completion strategy at the end of 2006.
- S/2006/898 (15 November 2006) was the letter from the ICTY president to the Council president containing the progress report on the implementation of the completion strategy at the end of 2006.
- S/2006/358 (29 May 2006) was the letter from the ICTR president to the Council president containing a revised version and assessment of the ICTR completion strategy.
- S/2006/353 (29 May 2006) was the letter from the ICTY president to the Council president containing the assessment of and report on the ICTY completion strategy.



Selected Presidential Statements

- S/PRST/2002/21 (23 July 2002) endorsed the ICTY's completion strategy.

Other Relevant Documents

- S/PV.5697 (18 June 2007) was the last Security Council briefing by the presidents and prosecutors of the ICTY and ICTR.
- S/2006/666 (21 August 2006) was the 2006 annual report of the ICTY.
- S/2006/658 (16 August 2006) was the 2006 annual report of the ICTR.
- S/PV.5594 (15 December 2006) was the Council briefing by the presidents and prosecutors of the ICTY and ICTR.
- A/60/436 (17 October 2005) was the report of the Secretary-General on staff retention and legacy issues.

Other Relevant Facts

ICTY

- Four accused at large, including former Bosnian Serb President Radovan Karadžić and his military commander Ratko Mladić
- Nine accused at the pre-trial stage, 14 referred to a national jurisdiction, 29 on trial, 22 at the appeal stage
- Webpage: <http://www.un.org/icty/index.html>

ICTR

- 18 accused at large, including Félicien Kabuga, a businessman accused of propelling the Rwandan massacres
- Eight accused awaiting trial, 22 on trial, six at the appeal stage
- Webpage: <http://69.94.11.53/default.htm>

Notable Dates for August

Reports Due for Consideration in August	Document Requesting Report
31 July	<i>SG quarterly report on the UN Mission in Sudan (UNMIS)</i> S/RES/1755
early August	<i>SG report with revised recommendations for peacekeeping in Chad/CAR</i> S/RES/1706
early August	<i>SG quarterly report on the UN Assistance Mission in Iraq (UNAMI)</i> S/RES/1700
mid August	<i>SG assessment report on the UN Integrated Office in Sierra Leone (UNIOSIL)</i> S/RES/1734
16 August	<i>SG quarterly report on the UN Mission in Liberia including drawdown plans (UNMIL)</i> S/RES/1750
28 August	<i>SG progress report on the implementation of resolution 1757 (Lebanon, international tribunal)</i> S/RES/1757
29 August	<i>SG post-election report with recommendations on the future of the UN Integrated Mission in Timor-Leste (UNMIT)</i> S/RES/1745
31 August	<i>SG monthly report on Darfur</i> S/RES/1590

August 2007	Mandates Expire	Document Requesting Report
10 August	UNAMI	S/RES/1700
20 August	Security Council authorisation of the AU Mission to Somalia (AMISOM)	S/RES/1744 S/2007/34
31 August	UN Interim Force in Lebanon (UNIFIL)	S/RES/1701

August 2007	Other Important Dates
3-5 August	<i>The AU-UN mediation team is set to hold a meeting of non-signatory rebel commanders in Arusha, Tanzania to identify a unified position among rebel groups.</i>
11 August	<i>Presidential and parliamentary elections in Sierra Leone</i>
20 August	<i>The IAEA and Iran are expected to hold their next round of talks on the country's nuclear program in Tehran.</i>

Also expected in August:

- UN-sponsored talks on Western Sahara between Morocco and *Frente Polisario* are expected to resume in the second week of August.
- The annual reports of the International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY) are expected to be submitted to the Security Council in August.
- The Council is expected to receive the much anticipated Kimberley Process report and review the termination of the Liberian diamonds embargo in line with resolution 1753.

Important Dates over the Horizon

- The General Assembly will convene on 25 September.
- There are media reports that Nabih Berri, the parliamentary president, will convene the Lebanese parliament on 25 September to elect a new president of Lebanon.
- A US-initiated international meeting on the Middle East is planned.
- 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.
- The constituent assembly elections in Nepal are expected 22 November, postponed from 20 June.
- Parliamentary elections in Kosovo are expected in late 2007.
- A workshop on security sector reform, a joint initiative of Slovakia and South Africa, is being planned for later in 2007 in Africa.
- Presidential elections in Côte d'Ivoire are now expected in January 2008, postponed from 31 October.

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