



SECURITY COUNCIL REPORT

MONTHLY FORECAST

AUGUST 2008



31 July 2008

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

OVERVIEW FOR AUGUST

In August, Belgium will have the presidency of the Council.

An open thematic debate on **Council Working Methods** is expected in late August. It responds to a request by the S5 group (Costa Rica, Liechtenstein, Jordan, Singapore and Switzerland) that the Council, after two years, consider the progress made since its working group under Japan's leadership reached agreement on a number of reforms to working methods, which are recorded in S/2006/507. (Our *Special Research Report* of 18 October 2007 "Security Council Transparency, Legitimacy and Effectiveness—Efforts to Reform Council Working Methods 1993-2007" provides detailed background information. This will be supplemented by an *Update Report* prior to the August debate.)

A public session on the **Middle East**, in accordance with normal practice, is also

expected. A briefing is likely. (Our *Special Research Report* of 17 December 2007 provides background on the history of Council involvement.)

Open meetings are also likely on:

- **Timor-Leste** (briefing by the SRSG and possibly also the foreign minister of Timor-Leste);
- **Iraq** (renewal of the UNAMI mandate);
- **Somalia** (renewal of the authorisation for the AU force AMISOM);
- **Sudan** (briefing by the UNMIS SRSG is likely); and
- **Lebanon** (renewal of the UNIFIL mandate).

Discussions are possible on:

- **Counter-Terrorism** (the delayed report of the 1540 Committee);
- **Myanmar** (on the visit of Special Envoy Ibrahim Gambari);
- **DRC** (possible consideration of the report

CONTENTS OF THIS ISSUE

Status Update since our July

Forecast	2
Sudan	3
Timor-Leste	5
Lebanon	8
Somalia	10
Liberia	12
Iraq	14
Democratic Republic of the Congo	16
International Criminal Tribunals	18
Notable Dates for August	20
Important Dates over the Horizon ...	20

from the Sanctions Committee);

- **Liberia** (initial discussion of the UNMIL report due on 15 August);
- **International Criminal Tribunals** (experts discussions on the annual reports of the ICTY and ICTR are likely); and
- **Zimbabwe** (follow up to S/PRST/2008/23).

Aide-Memoire

Important matters pending for the Council include:

- The 2005 World Summit requested that the Security Council consider reforms for the **Military Staff Committee**. This has yet to be addressed.
- In its resolution 1327 (2000) on the implementation of the report of the Panel on United Nations Peace Operations (the **Brahimi report**, S/2000/809), the Council decided to review periodically the implementation of the provisions contained in the resolution's annex. No such reviews have occurred in the past three years.
- The Council requested the Secretary-General on 29 November 2006 (S/2006/928) to **update the index** to Council notes and statements on working methods. This has not been published.
- On the **DRC**, the Council Sanctions

Committee has not acted on individual sanctions under resolution 1698 against armed groups that recruit children, despite MONUC reports about the problem continuing on a serious scale. Nor has the Council resumed discussion of the issue of natural resources in the DRC, which was raised in its open thematic debate on the subject of natural resources and conflict in June 2007 (S/PV.5705).

- A report with recommendations from the **Somalia** Sanctions Committee on targeted measures, requested by 15 July in resolution 1814, was still pending.
- The Council is awaiting the PBC's response to its June request for advice and recommendations on the situation in the **Central African Republic** (S/2008/383).
- The Secretariat is yet to report to the Council on **Kenya** as requested in its 6 February

presidential statement (S/PRST/2008/4).

- In a letter from its president (S/2007/722) on 7 December 2007 the Council asked the Secretary-General to provide an outline of the mandate of the **adviser on the prevention of genocide** and of the implications of upgrading this position from an Assistant Secretary-General to Under Secretary-General. At press time, no response had been released.
- **UNAMI reports on human rights** are now usually delayed by several months and are therefore quite outdated. (The last report, released in March, covered the period from 1 July to 31 December 2007.) In the past, the reports were produced every two to three months.
- The Council is yet to follow up on the Secretary-General's recommendations regarding **protection of civilians**, presented in his October 2007 report (S/2007/643). ■

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 on other issues included:

- **UNDOF:** On 27 June, the Council adopted resolution 1821, which extended the mandate of UN Disengagement Observer Force in the Golan Heights until 31 December.
- **Counter-Terrorism (Al-Qaida and Taliban):** The Security Council adopted resolution 1822 on June 30, extending for 18 months the mandate of the Analytical Support and Sanctions Implementation Monitoring Team, which analyses the implementation of the travel, financial and arms embargoes for the Committee. The resolution also revised rules for its listing process and asked states to identify information that can be made public on why some 493 individuals and entities were placed on the sanctions list. The resolution also directed the Committee to conduct a review of all names on the list by 30 June 2010.
- **DPRK (North Korea):** The Chair of the 1718 Sanctions Committee on the Democratic People's Republic of North Korea, Ambassador Marcello Spatafora of Italy, briefed the Council on 2 July. (S/2007/778 transmitted the Sanctions Committee's activities for 2007 to the Council.)
- **Nepal:** On 8 July, the Secretary-General received a letter from the interim government of Nepal requesting the extension of the UN Mission in Nepal (UNMIN) for six months but on a smaller scale (S/2008/476). On 18 July, the Council held an open debate (S/PV.5938) during which it was briefed by the Special Representative on the Secretary-General's latest report (S/2008/454). On 23 July, the Council adopted resolution 1825 extending the mandate of UNMIN for six months until 23 January 2009 and endorsing the Secretary-General's plan for a gradual drawdown and withdrawal of the mission.
- **Afghanistan:** On 9 July, the Council held an open debate (S/PV.5930) during which it was briefed by Kai Eide, the Special Representative of the Secretary-General for Afghanistan on the Secretary-General's special report on the International Conference in Support of Afghanistan (S/2008/434) and by John Holmes, Under Secretary-General for Humanitarian Affairs, on his June visit to Afghanistan. On 11 July, the Council adopted a presidential statement welcoming the outcome of the Conference and endorsing the key elements in the Paris Declaration. The statement also endorsed the Secretary-General's recommendations with regard to the need for increased resources for the UN Assistance Mission in Afghanistan (UNAMA) and welcomed the mission's intention to expand its field presence (S/PRST/2008/26).
- **Rwanda:** On 10 July, the Council unanimously adopted resolution 1823 to end the prohibition on the supply of arms and weapons for use in Rwanda, contained in resolution 1011 (1995) originally imposed after the 1994 genocide in Rwanda, and dissolved the committee tasked with monitoring compliance with the sanctions. The Council also stressed the need for countries in the region to ensure that arms and related materiel delivered to them were not diverted to or used by illegal armed groups, welcomed the entry into force of the Pact on Security, Stability and Development in the Great Lakes Region and emphasised the importance of its full implementation.
- **Côte d'Ivoire:** The Secretary-General's latest report on the UN Operation in Côte d'Ivoire or UNOCI (S/2008/451) was submitted to the Council on 10 July 2008. The Council renewed the mandate of UNOCI on 29 July in resolution 1826.
- **Zimbabwe:** On 11 July, the Council failed to adopt a draft sanctions resolution against certain individuals responsible for the political violence in Zimbabwe. Nine Council members (Belgium, Burkina Faso, Costa Rica, Croatia, France, Italy, Panama, UK and US) voted in the affirmative, while five others (China, Vietnam, Libya, Russia and South Africa) voted against the draft text, with one abstention (Indonesia).
- **Northern Uganda/LRA:** During the week of 14 July, the Council deferred issuing a presidential statement on Northern Uganda-LRA that was under discussion after the Special Envoy for LRA affected areas, Joaquim Chissano, briefed the Council on 20 June. The decision not to issue a presidential statement was reportedly made after protracted consultations failed to produce agreement on references to the International Criminal Court in the text of the draft statement.
- **Chad/Central African Republic:** On 15 July, the Council heard a Secretariat briefing in consultations on the Secretary-General's latest progress report on the UN Mission in the Central African Republic and Chad (MINURCAT) (S/2008/444). There was no formal outcome.
- **Children and Armed Conflict:** On 17 July, the Council held an open debate (S/PV.5936 and resumption 1) on children and armed conflict. The Council adopted a presidential statement (S/PRST/2008/28) condemning equally the six gravest violations against children in conflict identified by the Secretary-General and welcoming the ongoing implementation of the monitoring and reporting mechanism in all situations listed in the annexes to the Secretary-General's latest report (S/2007/757). It also called for additional administrative support for the Working Group on Children and Armed Conflict and welcomed its efforts in improving its working methods. Also it reiterated the need for a stronger focus on the long-term effects of armed conflicts on children and the impediments to children's full rehabilitation and reintegration.
- **UNOWA:** On 18 July, the Special Representative of the Secretary-General for the United Nations Office for West Africa (UNOWA) briefed the Council in private consultations on the recent report (S/2008/426) of the Secretary-General on UNOWA. No formal decisions were taken.
- **Georgia:** On 21 July, the Council held a private meeting (S/PV.5939) on the situation in Georgia. The meeting was convened at the request of Georgia following the intrusion of a Russian military aircraft into Georgian airspace on 8 July. The Council held consultations on the UN Observer Mission in Georgia (UNOMIG) on 29 July, to discuss the latest UNOMIG report (S/2008/480).
- **Middle East:** On 22 July, the Council held its monthly debate on the situation in the Middle East. Briefing the Council, Under Secretary-General for Political Affairs B. Lynn Pascoe commended the recent formation of a unity government in Lebanon and indirect talks between Syria and Israel. While noting that the ceasefire had held in Gaza, he expressed concern about the situation in the West Bank. Most participants said the expansion of Israeli settlements in the occupied territories impeded the peace process. The Israeli representative appealed to the "Arab and Muslim world... to support... moderates and isolate and marginalize... extremists..." (S/PV.5940 and resumption 1). There was no formal outcome.
- **Cambodia/Thailand:** Following UNESCO's 7 July approval of a Cambodian request to designate the Preah Vihear temple as a

>>page 3

Status Update since our July Forecast (continued)

World Heritage Site in Cambodia, the disputed 11th century temple on the border between Thailand and Cambodia led to a build up of about 4,000 troops from the two states. Cambodia requested an urgent meeting (S/2008/475) of the Council on 21 July. This was postponed on 24 July because both countries are discussing the issue bilaterally.

- **Myanmar:** The Council held consultations on Myanmar on 24 July with the Secretary-General's Special Advisor Ibrahim Gambari present. In informal comments at the media

stakeout afterward, Ambassador Le Luong Minh of Vietnam, Council president for July, noted that the Council reaffirmed its support for the good offices role of the Secretary-General, and wished Gambari success on his upcoming visit to Myanmar.

- **Kosovo:** On 25 July, the Council held an open debate (S/PV.5944) during which it was briefed by Lamberto Zannier, the Secretary-General's Special Representative for Kosovo and head of the UN Interim Administration Mission in Kosovo (UNMIK). The Council had before it the Secretary-General's latest

report on Kosovo (S/2008/458), which notes that UNMIK's operating reality has been fundamentally transformed by actions taken both by the authorities in Kosovo and by Kosovo Serbs since Kosovo's declaration of independence in February. No formal decision was taken.

- **Ethiopia/Eritrea:** On 30 July, the Council unanimously adopted resolution 1827, disbanding UNMEE as of 31 July as a result of increased intransigence on the part of both sides to the dispute.

Sudan

Expected Council Action

The situation in Darfur, attacks on the UN-AU Mission (UNAMID), lack of cooperation regarding its deployment, and tensions arising from proceedings before the International Criminal Court (ICC) mean that Darfur issues will continue to be on the Council's agenda in August. However, given the uncertainty arising from the continuing impasse on ICC-related aspects, it was unclear at press time how those issues would play out, or how they would impact on Council action in August.

The Secretary-General's quarterly report on the UN Mission in the Sudan (UNMIS, which is deployed in the south) is expected to be discussed in August. A briefing by the Special Representative of the Secretary-General, Ashraf Qazi, is possible, including comments on the mission's capabilities especially in the contested region of Abyei. It is unclear whether proposals for formal action will emerge.

Key Recent Developments

Conditions in Sudan and the region continued to deteriorate in July. Humanitarian assistance remains severely affected, including because of obstruction by government officials and insecurity caused by all sides. UNAMID's ability to move equipment and supplies has also been severely affected by the lack of cooperation and security problems.

On 8 July, seven UNAMID troops were killed and 19 wounded after an attack and a three-hour heavy exchange of fire in a government-controlled area in North Darfur. The attack was apparently orchestrated and carried out by two hundred militia

members armed with machine guns and anti-aircraft weapons aboard some forty vehicles. On 9 July, the Council adopted a press statement condemning the attack. After a Secretariat briefing on the incident, members also adopted a presidential statement on 16 July noting that the attack had been "premeditated, deliberate and intended to inflict casualties", and that the Council is determined to "take action against those responsible" on hearing the outcome of an ongoing UN investigation.

A week later, another UNAMID peacekeeper was shot and killed in West Darfur during an attempted carjacking. The attacks once again drew attention to the equipment and troop shortfalls plaguing UNAMID's effectiveness and credibility.

On 14 July, the ICC Chief Prosecutor, Luis Moreno-Ocampo, presented an application for a warrant of arrest against Sudanese President Omar Hassan al-Bashir alleging genocide, crimes against humanity and war crimes. ICC judges must rule on whether to grant the warrant, but a decision may take some time. If it is granted, states parties to the Rome Statute are under obligation to execute it if Bashir is on their territory. Sudan is obliged to fully cooperate with the ICC under resolution 1593.

The Sudanese government strongly criticised the warrant request, warning that it may negatively impact a peace process in Darfur, humanitarian operations, Sudan's cooperation with UNAMID's deployment and the north-south situation.

The AU and the Arab League also voiced concerns about the warrant. By contrast, a number of UN member states and civil society organisations expressed support for progress with accountability issues in

Darfur, and for the independence of the Court and the Chief Prosecutor.

The Secretary-General held talks with the Sudanese government in mid-July. He clarified that the Secretariat has no influence over the ICC, and urged Khartoum to ensure the security of humanitarian workers and the ability of UNMIS and UNAMID to carry out their mandates. The situation seemed relatively calm at press time, but there were reports of harassment against UNAMID staff following the ICC developments.

Sudan launched domestic and diplomatic efforts to counter the warrant request. This included pressure, particularly through the Arab League and AU members, for Council action under article 16 of the Rome Statute. Under this provision, the Council may request a suspension of ICC proceedings for one year, renewable, through a Chapter VII resolution.

The Arab League initially proposed a plan, under which Sudan would pledge to step up domestic judicial proceedings with international monitoring in return for a suspension of ICC proceedings. Sudan rejected this possibility and indicated it might revive domestic human rights courts, reportedly inviting international experts to assess the state of Sudan's judiciary. But no further details appear to have emerged as to whether trials would resume, and there is controversy as to whether Sudanese law includes provisions curbing war crimes, genocide and crimes against humanity in line with international standards. It was also unclear whether Ali Kushayb and Ahmed Haroun (already subject to ICC warrants) would be included in such domestic judicial proceedings.

Sudan seems also to be proposing an all-inclusive peace conference, promising cooperation with UNAMID and renewing pledges of implementation of the Darfur Peace Agreement. But Khartoum also seems to be sending a variety of conflicting signals on the issue; some Sudanese officials have reportedly warned that the safety of UNAMID and humanitarian workers may be threatened should an arrest warrant be granted.

On 21 July, the AU Peace and Security Council (PSC) issued a communiqué requesting a UN Security Council resolution suspending ICC proceedings. Similarly, on 22 July, the Organisation of the Islamic Conference's Group in New York wrote to the Council requesting the article 16 suspension.

On 24 July, following the AU PSC decision and the Arab League initiative, South Africa and Libya separately proposed that any draft resolution renewing UNAMID should include a paragraph mandating the suspension of ICC proceedings.

Members discussed the proposals on 28 July in consultations, but no agreement was reached.

(For further information, see our 28 July *Update Report*, which addresses the issue of ICC warrants in more detail.)

In his 7 July report, the Secretary-General noted that improvement of the security situation hinged on a cessation of hostilities and strengthening of UNAMID. The political process, however, remained stalled due to rebel fragmentation and suspicion among the parties. On 10 July, rebel commanders and humanitarian agencies held discussions on improving access and security. There are signals suggesting that rebels may be interested in uniting their groups.

On 30 June, the Secretary-General informed the Council of the appointment of Djibril Yipènè Bassolé of Burkina Faso as the new AU-UN Joint Chief Mediator. It is unclear whether existing plans for an international partners' conference on the political process will materialise.

UNAMID continues to face significant troop and equipment shortfalls. Major logistical, infrastructure and bureaucratic problems have contributed to the slow pace of deployment, leading to new delays in the arrival of Ethiopian, Egyptian and Bangladeshi contingents.

At a meeting under the auspices of the Dakar Agreement Contact Group on 18 July, Sudan and Chad agreed to restore diplomatic relations, broken since a rebel attack on the outskirts of Khartoum in May. The Group has also held talks on a border monitoring force, which is expected to include two hundred monitors from the Contact Group members plus one thousand from Sudan and Chad each.

On the north-south situation, the parties missed a 1 July deadline for full withdrawal from the Abyei area, which is contested by the north and south. Withdrawals now seem to be making some progress, but southern officials have accused the north of backpedalling. In early July, the parties finalised details on proceedings at the Permanent Court of Arbitration regarding Abyei's boundaries, but a final decision may take at least a year.

In early July, the Sudanese parliament adopted the much-awaited electoral law, a step essential for elections in 2009 as mandated by the Comprehensive Peace Agreement (CPA). But southern officials expressed concern about possible bias in the law favouring the ruling National Congress Party and warned that key legislation on the media, national security and criminal acts need to be revised to ensure free and fair elections.

It seems that the Secretariat is conducting an assessment of UNMIS' capabilities and configuration, to determine whether adjustments will be necessary. (Plans for the assessment pre-date the recent Abyei tensions.) Results may be included in the forthcoming Secretary-General's report in September.

Related Developments at the Human Rights Council

The UN Special Rapporteur on human rights in Sudan, Sima Samar, said during a visit to the region that rebel groups, in particular the Justice and Equality Movement, and the government have used child soldiers. (Samar's mandate, established by the Human Rights Council, expires in December. Her next report is due in September.)

Options

On Darfur, until there is greater clarity on the outcome of discussions on possible article 16 ICC suspension, it is difficult to forecast

what options might be on the table. (For background and analysis on existing options, see our 28 June *Update*.)

On north-south issues, an option is for the Council to adopt a more proactive and focused approach, including:

- a process for closer monitoring of the CPA's implementation, perhaps through informal Secretariat briefings every thirty days; and
- considering options for strengthening UNMIS, in close consultation with the Secretariat and the parties.

Key Issues

On Darfur, one key issue is whether there is anything the Council can do to encourage the parties to move towards a genuine ceasefire and a peace process. Another is improving security and, in that context, how best to advance UNAMID's deployment and improve Chad-Sudan relations.

Justice and accountability issues are likely to remain on the minds of Council members.

Still another issue is whether the Council should increase its focus on the broader challenges facing Sudan, especially regarding the CPA's implementation. Related to this is whether consideration should be given to developing a new role and capabilities for UNMIS in support of the Agreement. Underlying issues on the CPA's implementation include:

- elections in 2009 and a southern independence referendum in 2011;
- demarcating the north-south border;
- the status of Abyei; and
- oil-revenue sharing.

Council and Wider Dynamics

Traditional divisions within the Council on Darfur issues once again came to the forefront following the ICC Chief Prosecutor's request. China, Russia, South Africa, Libya and Burkina Faso support the suspension of ICC proceedings on the grounds that an arrest warrant may put Sudan's stability at risk and frustrate the prospects of peace negotiations in Darfur.

Other Council members—such as UK, France, Belgium, Italy, Croatia, Costa Rica, Panama and US—are concerned with safeguarding prospects for justice and accountability and opposed to Council interference in ICC proceedings. Those members reject the notion of holding UNAMID's renewal hostage to the ICC issue.

Some observers have suggested that the ICC developments could provide a new element with which to pressure Khartoum to make meaningful concessions.

On the other issues regarding Darfur, no new ideas have emerged so it remains to be seen whether and how ICC developments will impact prospects for the humanitarian situation, a peace process and full UNAMID deployment.

Council attention to the north-south situation seems to have once again receded. The upcoming briefing by Special Representative Qazi may lead to a return to more focus on UNMIS' capabilities and the CPA's implementation. Some US officials, including Special Envoy Richard Williamson, voiced a degree of frustration with the mission's response to the recent tensions in Abyei.

The Secretariat seems ready to provide clarification on mission capabilities and explain realistic expectations about what role it could play in the south including its lack of an enforcement role but also the options that exist to do more through the CPA's ceasefire commission. (The Secretary-General, in a June 2006 report on the Ugandan rebel group Lord's Resistance Army (LRA) had noted that UNMIS had not been set up as a robust mission and that its military capabilities were limited. Observers note that this is in part due to the political circumstances surrounding the mission's establishment, in particular pressure from both north and south Sudan for the mission to assume a largely monitoring and verification configuration.)

UN Documents

Selected Security Council Resolutions

- S/RES/1769 (31 July 2007) established UNAMID.
- S/RES/1672 (25 April 2006), 1591 (29 March 2005) and 1556 (30 July 2004) imposed sanctions.
- S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC.
- S/RES/1590 (24 March 2005) established UNMIS.

Selected Security Council Presidential Statements

- S/PRST/2008/27 (16 July 2008) was a statement signalling the Council's determination to take action against

those responsible for the 8 July attack against UNAMID troops.

- S/PRST/2008/24 (24 June 2008) was a statement on Abyei.
- S/PRST/2008/21 (16 June 2008) was a statement urging Sudan's cooperation with the ICC.

Selected Secretary-General's Reports

- S/2008/443 (7 July 2008) was the latest UNAMID report.
- S/2008/267 (22 April 2008) was the latest available UNMIS report at press time.
- S/2006/478 (29 June 2006) was the LRA report.

Selected Council Meeting Records

- S/PV.5905 (5 June 2008) was the most recent briefing by ICC Chief Prosecutor Luis Moreno-Ocampo.

Other

- S/2008/483 (22 July 2008) was the OIC letter.
- S/2008/481 (21 July 2008) contained the AU PSC communiqué.
- S/2008/465 (14 July 2008) contained an AU decision signalling concern with the impact of ICC proceedings over the situation in Darfur.
- S/2008/460 (15 July 2008) was the report of the June Council mission to Africa.
- SC/9391 (9 July 2008) was a press statement condemning the 8 July attack against UNAMID troops.
- A/HRC/7/22 (3 March 2008) was the most recent Sudan human rights report to the Human Rights Council.
- S/2007/584 (2 October 2007) was the latest Panel of Experts' report.

Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Rodolphe Adada (Republic of Congo)

Joint AU-UN Chief Mediator

Djibrill Yipènè Bassolé (Burkina Faso)

UNAMID: Size, Composition and Cost

- Maximum authorised strength: up to 19,555 military, 3,772 police and 19 formed police units
- Strength as of 30 June 2008: 7,671 troops, 160 observers, 1,835 police
- Main troop contributors: Nigeria, Rwanda, South Africa and Senegal
- Cost: 1 July 2008 - 30 June 2009: \$1.5 billion



UNAMID: Duration

31 July 2007 to present; mandate expires 31 July 2008 (at press time)

UNMIS: Special Representative of the Secretary-General

Ashraf Qazi (Pakistan)

UNMIS: Size, Composition and Cost

- Maximum authorised strength: up to 10,000 military and 715 police personnel
- Strength as of 30 June 2008: 8,720 troops, 551 observers, and 664 police
- Main troop contributors: India, Pakistan and Bangladesh
- Cost: 1 July 2008-30 June 2009: \$858.77 million

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2009

Useful Additional Sources

Permanent Court of Arbitration, Abyei case summary and documentation: http://www.pca-cpa.org/shownews.asp?nws_id=212&pag_id=1261&ac=view

Timor-Leste

Expected Council Action

The Secretary-General's progress report on the activities of the UN Integrated Mission in Timor-Leste (UNMIT) is due on 1 August 2008. It is possible the report will include recommendations on possible adjustments to the mandate and strength of UNMIT as requested in resolution 1802 but it is unlikely these recommendations will require implementation at this time.

The Special Representative of the Secretary-General in Timor-Leste, Atul Khare, and Timorese Foreign Minister, Zacarias Albano da Costa, are expected to brief the Council on 19 August. A presidential statement or press statement is likely. The mandate of UNMIT expires on 26 February 2009.

Key Recent Developments

Significant underlying problems remain. An estimated 100,000 civilians (10 percent of

the population) remain displaced as a result of the political and military crisis in 2006 and further violence in 2007 and 2008. Lack of confidence in the ability of the security forces to guarantee safety has obstructed the return of internally displaced persons (IDPs). Furthermore, many IDPs no longer have homes to return to. Others seem to have been attracted to IDP camps in Dili because of better living conditions there.

The government launched a National Recovery Strategy in December 2007 to deal with the humanitarian crisis. According to the Ministry of Social Solidarity, under this strategy, 3,200 IDP families have received a package for recovery or reintegration. A further 13,400 families have registered their desire for return or resettlement. As at 8 July, 17 IDP camps had reportedly been closed.

There seems to have been some improvement in law and order. However, the security situation remains fragile due to weaknesses in law and justice institutions, societal divisions, unemployment and poverty.

On 11 February, President José Ramos-Horta and Prime Minister Xanana Gusmão were attacked in Dili by a group led by former military officer Alfredo Reinado. The desertion of 685 soldiers sacked after protesting discrimination sparked the 2006 violence. Reinado was one of the leaders of the deserting soldiers, and was wanted on murder charges related to the 2006 violence.

Reinado was killed in the 11 February attack on Ramos-Horta and Gusmão. Prior to this, he had been engaged with Ramos-Horta in a series of talks to address the deserting soldiers' grievances. A breakdown in discussions on a possible amnesty is seen by observers as a possible explanation for the 11 February attacks. Ramos-Horta was airlifted to Australia for medical treatment, returning to Timor-Leste on 17 April.

On 11 February, the Council condemned the attacks, and urged the full cooperation of all parties in Timor-Leste to bring to justice those responsible. Timor-Leste's Prosecutor General is leading the investigation which is yet to be completed. Rebel soldiers involved in the attacks surrendered to Timorese authorities in March and April. An additional four suspects have been extradited from Indonesia.

The security situation nonetheless remained relatively calm following the 11 February

attacks. In early July, Gusmão said the problem of the petitioners had come to an end and they would return to their homes by the end of July. Out of a total of 685 petitioners, 605 reportedly have indicated a desire to remain civilians.

On 21 February, the Council held an open debate on Timor-Leste, which included a briefing by the Under Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno. Amongst the issues raised by members were the need for progress with security sector reform, institution-building, political reconciliation and accountability.

On 25 February, the Council renewed the mandate of UNMIT for another 12 months. It urged UNMIT to intensify its work in strengthening the security sector including the national police. The Council also welcomed the Secretary-General's intention to send an expert mission to Timor-Leste to conduct an assessment of the requirements of the national police and possible adjustment to UNMIT police skill sets. It further requested the Secretary-General to develop a medium-term strategy for UNMIT with appropriate benchmarks.

The expert mission, led by United Nations Police Adviser Andrew Hughes, conducted its assessment from 17 to 27 March. The mission's report noted that rebuilding the national police is a long-term undertaking requiring national ownership and continued international assistance for the foreseeable future. The report also says the national police face challenges with capacity and integrity, and are not in a position to fully implement their responsibilities.

The report also highlighted the challenges UNMIT faces in fulfilling two distinct mandated tasks, namely interim law enforcement and police reform, restructuring and rebuilding. According to the report, the mission faces problems of deployment, capacity, conflicting training standards, resources and limited timeframe for its mandate.

The report makes several recommendations for key players including the government, UNMIT and the international community. They include:

- the development of a plan to reform, restructure and rebuild the national police, as well as the adoption of measures to increase police capacity and integrity;

- a capacity assessment of the justice sector;
- measures to improve the capacity and cohesion of UNMIT's training and mentoring personnel; and
- a timeline with benchmarks for UNMIT's police certification and a review of its mentoring programme.

A further UN team visited Timor-Leste in May to begin implementation of the recommendations made in the report. In addition to the capacity and integrity problems, major issues include how best to improve the certification and mentoring programmes, and the adoption of a timeline and benchmarks for the phased handover of UNMIT policing responsibilities to Timorese police. (The planned phased drawdown of UN police personnel in the first half of 2008 had to be postponed because of the prevailing security situation.)

On 13 June, an agreement was signed between the government and the UN Development Programme on technical assistance and advice for a review of Timor-Leste's security sector. The review will be finalised by early to mid-2009. An initial element of the review is a survey to ascertain public perceptions of security threats and the security sector.

It is expected that the review process will be conducted in parallel with the drafting of the national security policy framework. Since UNMIT's establishment in August 2006, the issue has made painfully slow progress due to the change in government and the political sensitivity of the issue.

In May the Social Democratic Association of Timor (*Associação Social-Democrata Timorense*, or ASDT), a party in the governing coalition, signed an accord with opposition *Frente Revolucionária de Timor-Leste Independente* (Fretilin) to form a ruling coalition in a move to force early elections. Despite the agreement, all five of ASDT's members of parliament seemingly remained supportive of the governing coalition.

The Commission of Truth and Friendship (CTF) formally completed its final report on 15 July. The report had not been released publicly at the time of writing. (Indonesia and Timor-Leste had agreed to establish the Commission in 2005 to investigate human rights violations in the lead-up and aftermath of the UN-administered referendum in Timor-Leste in 1999.)

According to media reports, CTF found that the Indonesian police, army and civilian government officials funded, armed and coordinated anti-independence militias, which carried out activities resulting in grave human rights violations, including crimes against humanity. The report said these Indonesian institutions all bear institutional responsibility for these crimes. It also accuses Timorese pro-independence groups of committing human rights violations, but on a smaller scale. The report did not name perpetrators. Significantly it did not recommend an amnesty. (Criticism had earlier been levied against the CTF because it seemed possible it would exclude any formal judicial mechanism to address crimes committed during the 1999 violence. Its terms of reference also allowed it to recommend amnesty for those involved in serious crimes.) In July 2007, Secretary-General Ban Ki-moon announced that UN officials would not testify at CTF proceedings unless the terms of reference were revised to exclude amnesty since the UN "cannot endorse or condone" such an outcome. This followed clear statements by the Council in resolutions 1704 and 1745 on the need for credible accountability mechanisms and the importance of justice issues.

Upon receiving the CTF report on 15 July, Indonesian President Susilo Bambang Yudhoyono and President Ramos-Horta issued a statement accepting the findings, conclusions and recommendations of the Commission and committing to implementing the recommendations, which include reforms of judicial and security institutions, human rights training for security forces and training in conflict resolution and survivor healing programmes. They both expressed remorse for the violence. The Secretary-General on 15 July encouraged both governments to ensure full accountability, to end impunity and to provide reparations to victims. Ramos-Horta has said he will not push for an international tribunal. Human rights groups have called for identification and prosecution of those who committed crimes against humanity in Timor-Leste and support the Commission's recommendation for Indonesia to comprehensively reform its armed forces.

Key Issues

The key issues for the Council regarding Timor-Leste include:

- helping to ensure that the security situation remains calm;

- making progress with security sector reform including the justice sector and the national police; and
- addressing the accountability and victim-related issues in light of the CTF report.

A more technical issue is addressing the recommendations of the expert group on policing as well as questions surrounding the timing for the handover of UNMIT policing recommendations. A procedural question is whether these aspects can be addressed in sufficient depth in August or whether they will be left to a later stage.

Other issues include:

- humanitarian concerns regarding the future of the remaining 100,000 IDPs;
- support for the government in areas of institutional capacity building; and
- how best to support a response to the root causes of instability (including poverty and unemployment).

Options

One option for Council members is to simply hold a debate on the situation in Timor-Leste and UNMIT's activities but leave action to a later stage. Alternatively the Council could adopt a statement:

- reiterating concern with and support for progress with security sector reform;
- reminding the Secretary-General of the Council's interest in a medium-term strategy to measure and track progress;
- noting the CTF report and the importance of the remaining issues and requesting the Secretary-General include analysis of recommendations of these issues in his future reports in light of resolutions 1704 and 1745;
- encouraging key players to seriously consider the policing experts' recommendations;
- directing the Secretary-General to continue to address the problems raised in the experts' report regarding UNMIT, while perhaps expressing support for the recommendations particularly regarding certification and mentoring programmes;
- expressing support for a UNMIT police handover strategy with clear and sound benchmarks that bear in mind the ongoing problems within the Timorese police; and
- reinforcing the importance of national ownership of donor programmes designed to strengthen state institutions in ensuring sustainability.



Council and Wider Dynamics

The Council voted unanimously in February for a 12-month extension of the UNMIT mandate. In the open debate, members highlighted the importance of security sector reform, accountability for previous crimes, resolving political divisions, strengthening weak institutions, and resolving the enduring issues of IDPs, poverty and unemployment.

There is continued support for the current UNMIT arrangements and a strong desire for progress in the implementation of its mandate, particularly with regards to security sector reform. Members of the Council and the Core Group have expressed support for the continuing transfer of policing authority from UNMIT police to the Timorese Police, providing benchmarks are met and substantial UNMIT police remain in a mentoring and support role.

On justice issues, there is wide sympathy for the need to balance both accountability and reconciliation, especially with respect to the 1999 violence. Some members of the Council and Core Group see UNMIT support for the Timorese Government's implementation of the recommendations made in the Commission of Inquiry as the priority focus. On accountability for the 1999 independence-related violence, most appreciate the reasons for the bilateral approach taken by the Timorese government with the Indonesian government. But there also seems to be strong support, especially now that the CTF report is complete, for solutions compatible with international standards. It remains to be seen whether this will translate into any specific proposals for Council action or, more likely at this stage, appropriate language in a Council statement based on the Council's earlier language (eg: in resolutions 1704 and 1745) on the importance of ongoing efforts to reach accountability and justice for the events of 1999.

Finally, given the relative stability in the last reporting period, there is a lingering concern from some members that pressure may emerge for a drawdown of UNMIT during the February 2009 mandate renewal.

Underlying Problems

Problems related to justice and accountability continue. Weaknesses in the law and justice sector have resulted in impunity at all levels. There is a considerable backlog of cases related to the crises in 1999 and 2006, as well as recent violence.

Serious questions have also been raised on whether the government struck an appropriate balance between reconciliation and accountability with the granting of pardons to 94 prisoners in May. These included several pro-Indonesia militia members implicated in the 1999 violence and former Minister of Interior Rogerio Tiago Lobato, accused of involvement in the illegal transfer of security forces' weapons during the 2006 crisis.

UN Documents

Selected Security Council Resolutions

- S/RES/1802 (25 February 2008) extended UNMIT until 26 February 2009.
- S/RES/1745 (22 February 2007) renewed UNMIT's mandate for 12 months.
- S/RES/1704 (25 August 2006) established UNMIT.

Selected Security Council Presidential Statement

- S/PRST/2008/5 (11 February 2008) was the statement condemning the attacks on Ramos-Horta and Gusmão.

Latest Report of the Secretary-General

- S/2008/26 (17 January 2008)

Other

- S/2008/329 (16 May 2008) was the report of the expert mission on policing.
- S/PV.5843 (21 February 2008) was the Council debate on Timor-Leste.
- S/2007/711 (6 December 2007) was the report on the Security Council mission to Timor-Leste, 24 to 30 November 2007.
- SG/SM/111101 (26 July 2007) was the statement regarding UN officials not testifying before the CTF.
- S/2006/822 (2 October 2006) was the report of the Independent Special Commission of Inquiry for Timor-Leste.
- S/2006/580 (26 July 2006) was the report of the Secretary-General on justice and reconciliation for Timor-Leste.

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 officers
- Size as of 30 June 2008: 1,527 police and 31 observers
- Civilian staff as of 29 February 2008: 332 international and 796 local
- Key police contributors: Malaysia, Portugal, Bangladesh and Pakistan
- Approved Budget (1 July 2008–30 June 2009): \$173.44 million

Duration

25 August 2006 to present; mandate expires 26 February 2009

International Stabilisation Force

- Size as of 1 July 2008: approximately 920 troops
- Contributors: Australia (750 troops) and New Zealand (170 troops)

Useful Additional Source

International Crisis Group, *Timor-Leste: Displacement Crisis*, Asia Report no. 148, 31 March 2008

Lebanon

Expected Council Action

The mandate of the UN Interim Force in Lebanon (UNIFIL) expires on 31 August. The Council is expected to extend it for another year.

Also expected is a report from the Lebanese Independent Border Assessment Team (LIBAT) on the situation along the border between Lebanon and Syria and the status of international assistance to Lebanese authorities for enhanced border control. The Council is likely to discuss the report's recommendations in consultations.

Key Recent Developments

Several positive developments occurred in recent weeks. On 12 and 13 July, Syrian President Bashar al-Assad and Lebanese President Michel Suleiman, invited to Paris by President Nicolas Sarkozy, attended the launching of a union between the EU and the Mediterranean basin. Following meetings with Sarkozy, Assad and Suleiman agreed to re-establish diplomatic relations.

This responds positively to implementation of Council resolutions 1680 and 1701.

On 11 July, the formation of the government of national unity was announced after six weeks of negotiations on the distribution of portfolios. Under the terms of the Doha agreement, the Hezbollah-led opposition was provided with enough seats to block any cabinet decision. The cabinet has one Hezbollah minister in addition to ten ministers from its Shi'ite, Druze and Christian allies.

On the other hand, the resumption of sectarian fighting in the northern city of Tripoli between Sunni Muslim supporters of the government majority and Alawite gunmen close to the opposition is a setback. The Lebanese Army was deployed to stem violence; however, fresh clashes erupted on 25 July.

On 9 July, the Under Secretary-General for Political Affairs, B. Lynn Pascoe, briefed the Council in closed consultations on the Secretary-General's latest report on resolution 1701. He said the ultimate goal of this resolution, a permanent ceasefire and a long-term solution, had yet to be achieved. Ongoing sectarian violence in Lebanon was a reminder that the situation remained fragile and that national dialogue needed to resume quickly. He also said that the fighting in Beirut in May had demonstrated the presence of weapons inconsistent with resolution 1701 and that compliance by Iran and Syria with the arms embargo was necessary. The Director of the Asia and Middle East Division of the Department for Peacekeeping Operations also briefed the Council on UNIFIL.

The latest 1701 report was published on 27 June. The Secretary-General noted:

- the Doha agreement provided an opportunity to make further progress on the 1701 process;
- non-state actors still posed a risk to the foundation of the Lebanese state;
- recent signals from Syria regarding the establishment of diplomatic ties with Lebanon, and renewed declarations from the international community on the importance of finding a solution to the Sheb'a Farms were positive indicators;
- progress on the issue of Ghajar was ongoing (the northern part of this village in south Lebanon remains occupied by Israel contrary to resolution 1701, and there have

been talks among the Lebanese Armed Forces, the Israeli Defense Forces and UNIFIL on Israel's withdrawal);

- the presence of armed elements in UNIFIL's area of operations and incidents restricting UNIFIL's movement remained a source of serious concern;
- Israeli violations of Lebanon's airspace continued; and
- full implementation of the arms embargo was necessary and the determination of the Lebanese government to enhance its border-management capacity should be supported.

Overall, the report seemed less alarming in tone than previous ones. For instance, there was no reference to potential arms smuggling across the Syrian-Lebanese border.

On 29 June, the Israeli government signed a deal following nearly two years of complex and secret mediation led by a UN-appointed German negotiator for a prisoners' exchange involving the release of two Israeli soldiers captured in 2006 by Hezbollah. This was implemented by Israel and Hezbollah on 16 July. Hezbollah handed over the bodies of the two Israeli soldiers captured in 2006, as well as the body parts of other Israeli soldiers killed in south Lebanon in the summer of 2006. Israel handed over five Lebanese prisoners and the remains of some two hundred Lebanese and Palestinian fighters. The Secretary-General welcomed the exchange in a statement, expressing his satisfaction that the humanitarian aspects of resolution 1701 were thus fulfilled.

During an open Council debate on the Middle East situation on 22 July, several members welcomed the recent positive developments in Lebanon highlighting the formation of Lebanon's national unity government, the exchange of prisoners between Israel and Hezbollah and the moves to establish diplomatic relations between Syria and Lebanon. Libya highlighted Israel's violations of Lebanese air space, Israel's occupation of Sheb'a Farms and Israel's failure to respond to appeals for maps showing mines and cluster munitions in southern Lebanon. The US said outside parties, especially Syria and Iran, should stop arming illegal militias in Lebanon.

Options

On format, the Council has the following options:

- proceeding with a simple resolution extending the UNIFIL mandate and adopting a parallel presidential statement focusing on political aspects of the implementation of resolution 1701 (this is the format used for the UN Disengagement Observer Force in the Golan Heights);
- combining into the resolution language on UNIFIL other aspects relating to resolution 1701 (the Council took this approach in resolution 1773, which renewed UNIFIL's mandate in 2007); and
- addressing political issues at a later stage.

On substance, the Council could adopt a low key approach:

- welcoming recent developments, in particular the formation of the Lebanese government, the exchange of prisoners and the re-establishment of diplomatic relations between Syria and Lebanon;
- reaffirming the need for all parties to implement both resolution 1701 and the Doha agreement in full, including the reinforcement of state authority over Lebanon's territory; and
- reaffirming its strong support for the sovereignty, territorial integrity, unity, and political independence of Lebanon under the exclusive authority of its government and repeating past language on Israeli overflights and unexploded ordnance in south Lebanon.

If the Council wanted to be more proactive, it could:

- urge intensified efforts to find a solution leading to Israeli withdrawal from Ghajar;
- request the Secretary-General reenergise efforts to resolve the Sheb'a Farms issue (a first step might be having the parties confirm that they agree with the definition of the area provided by the UN cartographer);
- encourage resumption of a Lebanese dialogue with the view to reaching agreement on disarming militias, and request the Secretary-General to provide assistance to this process; and
- address in detail the border security issues, including the recommendations of the LIBAT report and remind the parties of the arms embargo and signal possible measures to strengthen the embargo (such as the establishment of a sanctions committee) if the situation does not improve.

Key Issues

A key issue is how much to push for further 1701 implementation at this stage. While some believe that the risk of instability requires stronger Council action, others think that only the resumption of inter-Lebanese dialogue would eventually contribute to long-term stability, hence the Council should only encourage progress in that direction.

Another issue will be driven by the conclusions of the LIBAT report. At time of writing, it was unclear whether its conclusions would be technical or whether it would venture into the area of arms smuggling across the Syrian-Lebanese border.

Council Dynamics

Recently, traditional fault lines seemed to have re-emerged. Some (Libya, Indonesia, Vietnam and South Africa) appear to emphasise Israeli airspace violations. Others (the US in particular) emphasise disarmament and the need to strengthen the arms embargo. Positions on the Sheb'a Farms issue also differ. The US, for instance, maintains that full delimitation of the border between Lebanon and Syria is the best solution. Russia suggests that if Israel withdrew from the Farms that would be an essential step forward. France, the US and the UK support a solution to the situation in Ghajar believing this would contribute to building confidence.

All members seem to agree that the Doha agreement has created a positive context for further progress on 1701 and that the Council needs to lend its support to its full implementation.

There seems to be consensus that the UNIFIL mandate should be extended for a further twelve months. It remains to be seen whether the US will propose reinforcing the UNIFIL disarmament mandate. Many Council members (including France, which has the lead on Lebanon) apparently think that the Council should not restrict itself to a simple renewal but should also include in the resolution substantive language giving support for full implementation of 1701.

At time of writing, there seemed to be no proposals for more detailed measures to reinforce the arms embargo. Support for the “softer” approach of providing assistance to Lebanese authorities to enhance border control seems to be widely supported. Support for LIBAT recommendations is likely. However, it remains to be seen, depending on the conclusions of the report, whether the US will push for specific measures to strengthen the embargo.

UN Documents

Selected Resolutions

- S/RES/1773 (24 August 2007) extended UNIFIL until 31 August 2008.
- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel and for a long-term solution, imposed an arms embargo on Lebanon and authorised a reinforcement of UNIFIL.
- S/RES/1680 (17 May 2006) strongly encouraged Syria to respond positively to the Lebanese request to delineate their common border and to establish full diplomatic relations and representation, and called for further efforts to disband and disarm Hezbollah and to restore fully the Lebanese Government’s control over all Lebanese territory.

Latest Presidential Statement

- S/PRST/2008/17 (22 May 2008) strongly supported the Doha agreement.

Latest Secretary-General’s Report on resolution 1701

- S/2008/425 (27 June 2008) was the latest 1701 report.
- S/2007/382 (26 June 2007) was the latest LIBAT report.

Latest Letters

- S/2008/406 (18 June 2008) was a letter from Lebanon on Israel’s violations of Lebanese territorial integrity from 1 to 14 June.
- S/2008/399 (17 June 2008) was the Lebanese government’s position paper on the implementation of resolution 1701.

Other

- S/2008/445 (8 July 2008) was the draft resolution on Israeli settlements introduced by Libya.

Other Relevant Facts

Secretary-General’s Special Coordinator for Lebanon

Johan Verbeke (Belgium)

UNIFIL Force Commander

Major General Claudio Graziano (Italy)

Size and Composition of UNIFIL

- *Authorised*: 15,000 troops
- *Current* (30 June 2008): 12,325 military personnel
- *Composition*: Belgium, China, Croatia, Cyprus, Denmark, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Luxemburg, Malaysia, Nepal, Poland, Portugal, Republic of Korea, Slovenia, Spain, Tanzania and Turkey

Cost (approved budget)

1 July 2007 - 30 June 2008: \$713.59 million (A/C.5/62/23)

Somalia

Expected Council Action

The Council is expected to adopt a resolution renewing its authorisation for the AU Mission in Somalia (AMISOM), which expires on 20 August.

It is unclear whether concrete proposals to improve security in Somalia will emerge, such as an international stabilisation force. The Council expects options in that regard from the Secretariat by 15 August.

Sanctions are also an option in the minds of members, but it seems unlikely that momentum will build up around this possibility in August. A report with recommendations from the Sanctions Committee on targeted measures, requested in resolution 1814 by 15 July, was still pending at press time.

Key Recent Developments

Humanitarian conditions in Somalia, extremely difficult in recent months, have continued to worsen and are reaching unprecedented levels. The current number of civilians in need of assistance may increase from the current total of 2.6 million—more than a third of the population—to 3.5 million by the end of year if the situation does not improve, according to the World Food Programme (WFP). Malnutrition rates are already soaring amongst children,

according to media reports. In the midst of rising global food prices there are also large funding shortfalls (of about \$ 400 million) for humanitarian operations in Somalia.

It also appears that a previous arrangement under which various states would take turns assisting with naval escorts of humanitarian shipments has been suspended. It seems that no member state has yet come forward to replace the Netherlands, whose deployment ended on 30 June.

It seems that discussions are ongoing within the EU on this issue, as well as on the establishment of a maritime force to combat piracy as authorised in resolution 1816.

The basic drivers behind the humanitarian crisis—violence, drought, rising food prices and piracy—continue unabated. Fighting involving insurgents, the Transitional Federal Government (TFG), Ethiopian forces and AMISOM troops has continued, leading to the death of dozens of civilians in July.

Little progress has been made with improving security since the Djibouti Agreement was concluded on 9 June between the TFG and some elements of the opposition. The agreement was initially supposed to be signed in Saudi Arabia in early July but as of writing this had not yet taken place. Moreover the agreement was rejected by the main groups involved in the armed insurgency in Somalia—including the Shabaab.

On 23 July, insurgent leader Sheikh Hassan Dahir Aweys reportedly claimed to have taken control over the Asmara-based Alliance for the Re-liberation of Somalia (ARS). This was denied by Special Representative Ahmedou Ould-Abdallah and Sheikh Sharif Sheikh Ahmed, who negotiated the Djibouti Agreement and had until now been the ARS leader. Aweys also reiterated pledges to fight the TFG and Ethiopian troops.

Most recently, a string of deliberate killings and kidnappings of aid workers has severely increased the already significant risks faced by humanitarian operations in Somalia, and the likelihood that some aid organisations may pull out. On 8 July, the Council issued a press statement condemning the killing of the head of the UN Development Programme (UNDP)’s office in Somalia, Ali Osman Ahmed. Humanitarian assistance has come under strong pressure as aid distribution is reportedly seen by the vari-

ous parties as an opportunity for political and military gain. Insurgents have criticised UNDP's support for Somali police and judiciary as taking sides.

On 29 June, the AU Peace and Security Council (PSC) renewed AMISOM's mandate for six months from 17 July. The PSC also decided that AMISOM should take steps to support the implementation of the Djibouti Agreement between the TFG and members of the insurgency, and expressed hope that the agreement would lead to the deployment of a UN peacekeeping operation.

In late June, Nigeria reiterated plans to send 800 troops to strengthen AMISOM with US assistance. Possible plans for another Burundian contingent to join AMISOM have also been floated. However, at press time it was unclear whether and when these developments would materialise.

On 16 July, the Secretary-General reported that the Secretariat was assembling a team that will:

- plan the relocation of the UN Political Office for Somalia (UNPOS) to that country from Kenya;
- support the implementation of the Djibouti Agreement;
- plan UN support for an international stabilisation force; and
- carry forward contingency planning for a UN peacekeeping presence in Somalia.

The planning team would carry out a security assessment in the third quarter of 2008 and propose recommendations on arrangements for the relocation of UNPOS. This would also depend on the provision of security by the host country or a third party.

He informed that a human rights assessment mission would travel to Somalia to prepare a report with recommendations on strengthening the human rights capacity within UNPOS.

The Secretary-General also reported that he is consulting with key partners on how best to move forward with the planning for a stabilisation force on the basis of the commitments contained in the Djibouti Agreement.

On 23 July, Special Representative Ould-Abdallah briefed the Council. Expressing hope about the prospects of the Djibouti Agreement, he presented a range of options for the Council's consideration to improve security in support of the accord, including:

- re-hatting and strengthening AMISOM as a UN operation;
- authorising the deployment of an international stabilisation force; and
- establishing a UN peacekeeping operation.

During comments to the media, Ould-Abdallah also expressed support for justice and accountability measures, including a possible referral to the International Criminal Court (ICC).

Options

The most likely option for the Council in August is a resolution renewing AMISOM's Council authorisation for six months and including:

- support for political reconciliation, perhaps with a specific mention of the Djibouti Agreement;
- concern with the humanitarian situation and strong condemnation of the recent string of attacks against humanitarians;
- references to the need to increase humanitarian access and respect for international humanitarian law;
- language signalling that contingency planning for an international stabilisation force or UN peacekeeping should continue; and
- support for strengthening UNPOS and relocating it to Somalia. (One additional option in this regard would be to start discussions on options for the provision of security for UNPOS.)

A further option would be to call for a coalition of states to provide an international stabilisation force as requested in the Djibouti Agreement. A related option could be to request the Secretariat to draw up plans, a concept of operations and military requirements. But in the absence of a lead country willing to commit significant forces to such a coalition this option may be thought premature.

Re-hatting AMISOM as a UN operation and establishing a UN mission are also alternatives, but increasingly they look very unlikely.

Another option might be greater UN assistance of a non-military kind to AMISOM and perhaps a request for some recommendations from the Secretary-General in that regard.

Strengthening the sanctions regime is another option, possibly through a resolution establishing targeted measures, in line with the intention expressed by the Council



over a number of years and most recently in May in resolution 1814. This would involve mandating the Sanctions Committee to adopt a list of individuals and entities for targeted measures. The new resolution could also include a request to member states to report directly to the Sanctions Committee on measures taken to implement the arms embargo.

Key Issues

Since re-hatting AMISOM and establishing a UN peacekeeping operation do not seem plausible at present, the key question is whether the deployment of an international stabilisation force is a feasible alternative. Other key issues include:

- re-energising the Djibouti process with a view to early signature of the agreement and perhaps securing wider participation than was previously possible; and
- how best to encourage troop contributors and generate sufficient assets for a Council-authorized coalition.

A fundamental related issue is whether it will ever be possible to attract elements from the armed insurgency into a peace process and whether there is anything the Council can and should do—including sanctions—to encourage this.

Other issues include:

- the ongoing problems associated with the presence of Ethiopian troops not authorised under any UN mandate;
- the regional dimension, including concerns about terrorism and the impact that these have on political reconciliation efforts;
- ensuring UNPOS' security and relocation;
- addressing violations of international humanitarian law and lack of humanitarian access; and
- action on human rights and justice issues.

Council Dynamics

Members initially seemed encouraged by the recent Djibouti Agreement and supportive of the initiatives of Special Representative Ould-Abdallah. There is painful awareness,

however, that the Agreement has not contributed to improving security and that more support—possibly in the shape of an international military presence—will be needed. Some are sceptical about re-hatting AMISOM as a UN operation, seeing it as an option that is not likely to meaningfully contribute to strengthening the mission or improving security.

An international coalition is seen as in line with the Council's support for the Secretary-General's strategic phased approach, which called for a coalition to assist in improving security and creating conditions for progress in the political track. However, in the absence of concrete plans and expressions of interest from potential lead countries, there is still scepticism about the viability of this option.

Members may adopt a wait-and-see approach until the Secretary-General submits his further recommendations in August.

UN Documents

Selected Security Council Resolutions

- S/RES/1816 (2 June 2008) authorised action against piracy in Somalia.
- S/RES/1814 (15 May 2008) requested an update to the Secretary-General's phased approach and reiterated the Council's intention to strengthen the arms embargo.
- S/RES/1801 (20 February 2008) renewed AMISOM for six months.
- S/RES/733 (23 January 1992) imposed an arms embargo.

Selected Reports of the Secretary-General

- S/2008/466 (16 July 2008) was the most recent report.
- S/2008/178 (14 March 2008) contained the strategy for Somalia.

Latest Monitoring Group's Report

- S/2008/274 (24 April 2008)

Other

- S/PV.5942 (23 July 2008) was the most recent briefing by Ould-Abdallah.
- S/2008/460 (15 July 2008) was the report of the June Council mission to Africa.
- SC/9388 (8 July 2008) was the Council press statement condemning the assassination of UNDP's Ali Osman Ahmed.

Other Relevant Facts

Special Representative of the Secretary-General

Ahmedou Ould-Abdallah (Mauritania)

UNPOS: Size and Cost

- Maximum authorised size: 44 international and 28 local civilians
- Size as of 31 May 2008: 19 international and 11 local civilians
- 2008 budget: about \$16 million

UNPOS: Duration

15 April 1995 to present; mandate expires on 31 December 2009

AMISOM: Size, Composition and Cost

- Maximum authorised strength: 7,650 troops plus maritime and air components
- Strength as of 30 June 2008: about 2,650 Ugandan and Burundian troops
- Key resource contributors: US, EU, Italy, Sweden, China and the Arab League

AMISOM: Duration

February 2007 to present: AU mandate expires on 17 January 2009 and Council authorisation expires on 20 August 2008

Liberia

Expected Council Action

The Council expects to receive a report from the Secretary-General on the United Nations Mission in Liberia (UNMIL) in August on progress regarding benchmarks for the mission drawdown and including recommendations on possible reductions in UNMIL's military and police component. The Council is expected to start discussions, most likely at the level of experts, and take a decision by 30 September when UNMIL's mandate expires.

Recent Developments

On 1 July, Liberian President Ellen Johnson-Sirleaf, on the sidelines of the AU summit, reportedly asked the UN to extend the timeline for the drawdown of UNMIL put forward in the Secretary-General's August 2007 report. That report had proposed specific benchmarks to measure progress, including completing basic training of 3,500 Liberian national police personnel, finalising the national security strategy, and training and bringing the first and second

Armed Forces of Liberia battalions to operational readiness.

In March 2008, the Secretary-General reported on progress achieved in implementing that plan. He noted that the withdrawal of 2,450 military troops (members of Bangladeshi, Ghanaian, Namibian, Nigerian and Senegalese contingents) would be achieved by 30 September and that the gradual drawdown of UNMIL's police component was also set to take place as planned starting in April. However, the Secretary-General said that it was premature at that point to consider arrangements for UNMIL's final withdrawal. He has consistently argued that the drawdown should take into account the Liberian government's ability to effectively control national security.

On 18 June 2008, the Council adopted resolution 1819 renewing the mandate of the Panel of Experts on Liberia sanctions until 20 December following a briefing on 16 June by the Sanctions Committee Chairman, Ambassador Giadalla Azuz Ettalhi of Libya, on the Panel's report. The Council requested the Panel to report again by 1 December.

On 12 June, the Liberia Sanctions Committee removed Montgomery Dolo, former commander of Liberia's Anti-Terrorist Unit, from the list of individuals subject to its travel ban. This is the fourth instance of "delisting" undertaken by the Committee, following the removal from the list of Grace Minor, in November 2007, Gerald Cooper in March and four other individuals—Gabriel Doe, Khalid Eldine, Wesseh Dennis and Zarr Koffi—in May.

The Special Court for Sierra Leone trying former Liberian President Taylor in The Hague has now heard over thirty prosecution witnesses. The prosecution estimates that the trial will conclude within a year. The prosecution requires four more months to complete its case and the defence another four months to present its response.

The Truth and Reconciliation Commission of Liberia (TRC), whose mandate includes bringing to light human rights abuses committed during the Liberian civil war and adopting procedures to address the experiences of women, children and vulnerable groups, held public hearings on 9 June in Minnesota, US, focusing on the experience

of Liberians in the diaspora. (The hearings in Minnesota reportedly represented the first time that citizens in the diaspora have been sought systematically by any truth commission to participate in the process of national healing.) In a related development, the founder of the rebel group Independent National Patriotic Front of Liberia, Prince Johnson, whose forces captured and killed former Liberian President Samuel Doe at the early stages of the protracted conflict is reportedly set to appear before the TRC in August, in Monrovia.

Key Issues

The key issue for the Council is likely to be finding the right balance between the previous drawdown timetable and the continuing concerns that UNMIL not be reduced too quickly. A related issue is the need to establish a transition from a peacekeeping focus to peace building.

Options

Options for the Council include:

- starting early discussions at the expert level on ways to begin enhanced peace-building activities under the UNMIL mission framework (perhaps enhancing civilian posts as military strength is reduced) and developing options for more effective oversight by member states as a lead-in to eventual assumption of responsibility of the Peacebuilding Commission (this could include a formal or informal ad hoc Council Working Group);
- simply endorsing the Secretary-General's recommendations; and
- adopting a more cautious approach and extending UNMIL's current mandate only for six months thereby allowing for more in-depth discussion of downsizing the mission to be deferred until early 2009.

Council Dynamics

The consensus in the Council is that in principle a drawdown should continue. However, some differences of opinion remain. Some European members stress the need to explore redistribution of peacekeeping resources to other conflicts in Africa and seem to favour a further acceleration of the drawdown. Other countries, particularly the African members, emphasise the need for a more cautious approach calibrated to developments on the ground.

Underlying Problems

Logistical challenges continue to confront the security sector reforms needed to strengthen Liberia's fragile stability. These include a lack of infrastructure, equipment and funds. High levels of youth unemployment, including ex-combatants, also pose a threat to stability, particularly in the sub-regional context of riots by former combatants in Côte d'Ivoire over insufficient or delayed compensation in June. The incidence of sexual violence also remains high, a problem compounded by deficiencies in the judicial and correctional systems.

UN Documents

Selected Security Council Resolutions

- S/RES/1819 (18 June 2008) requested the Secretary-General to extend the mandate of the Panel of Experts on Liberia until 20 December 2008.
- S/RES/1792 (19 December 2007) renewed the arms and travel sanctions as well as the mandate of the Panel of Experts.
- S/RES/1777 (20 September 2007) renewed the mandate of UNMIL for a one year and endorsed the Secretary-General's recommendations for the mission's drawdown.
- S/RES/1753 (27 April 2007) lifted the diamonds embargo.
- 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/2008/183 (19 March 2008) was the latest UNMIL report.
- S/2007/479 (8 August 2007) was the Secretary-General's drawdown plan for UNMIL.

Other

- SC/9354 (13 June 2008) was the press release on the delisting of Montgomery Dolo from the Liberia Sanctions Committee travel ban list.
- S/2008/371 (12 June 2008) was the latest report of the Panel of Experts on Liberia.



- SC/9336 (21 May 2008) was the press release on the delisting of Gabriel Doe, Khalid Eldine, Weseh Dennis and Zarr Koffi from the Liberia Sanctions Committee travel ban list.
- SC/9290 (31 March 2008) was the press release on the delisting of Gerald Cooper from the Liberia Sanctions Committee travel ban list.
- S/2008/85 (8 February 2008) was the letter from the Secretary-General appointing the Panel of Experts on Liberia.
- SC/9183 (29 November 2007) was the press release on the delisting of Grace Minor from the Liberia Sanctions Committee assets freeze and travel ban list.

Other Relevant Facts

Special Representative of the Secretary-General

Ellen Margrethe Løj (Denmark)

UNMIL: Size, Composition and Cost

- Strength as of 31 May 2008: 11,782 military and 1,145 police
- Key contributing countries: Bangladesh, Ethiopia, Nigeria and Pakistan
- Cost: 1 July 2007–30 June 2008: \$688.38 million

UNMIL: Duration

September 2003 to present; mandate expires 30 September 2008

Chairman of the Liberia Sanctions Committee

Giadalla Azuz Ettalhi (Libya)

Panel of Experts on Liberia

- Guy Lamb (South Africa, expert on arms and security)
- Thomas R. Creal (US, expert on finance)
- Wynet V. Smith (Canada, expert on natural resources and coordinator of the Panel)

Expected Council Action

The mandate of the UN Assistance Mission in Iraq (UNAMI) will expire on 10 August. The Council is expected to renew the mandate for 12 months without change. In June 2004, resolution 1546 established both the mandate for the UN in Iraq and also authorised the presence of the Multinational Force (MNF-I). In 2007, the UNAMI mandate and the MNF-I mandate were separated. Resolution 1770 provided a new and more detailed mandate for UNAMI including assisting in the advancement of political dialogue and national reconciliation, facilitation of regional talks addressing border issues, energy and refugees, and aid in implementation of the Iraq Compact. The MNF-I mandate was separately authorised in resolution 1790 and will expire in December 2008.

The next report from the Secretary-General on UNAMI is due on 31 July. Under Secretary-General for Political Affairs, B. Lynn Pascoe, is expected to brief the Council on 6 August. The Council is expected to consider renewal of the UNAMI mandate on 8 August.

It is unlikely that the Council will take up issues relating to the MNF-I given that a review was conducted in June.

Key Recent Developments

On 13 June, the Council debated the situation in Iraq and progress with the MNF-I mandate. The Council also received a briefing from the US on behalf of the MNF-I. The Special Adviser on the International Compact with Iraq, Ibrahim Gambari, briefed the Council on recent UNAMI activities. Warren Sach, the Assistant Secretary-General, Controller, briefed the Council on the International Advisory and Monitoring Board (IAMB), which has audit oversight of the Development Fund for Iraq (DFI).

US Ambassador Zalmay Khalilzad said that the security environment in Iraq continued to improve. He acknowledged al-Qaida and other armed extremists still had the capability of carrying out attacks throughout Iraq. He called on Syria to halt the operation of networks supplying suicide bombers in Iraq, and urged Iran to cease its sponsorship of violent Iraqi elements. He emphasised the increase in numbers and capability of the Iraqi security

forces and the progressive transfer of responsibility for security from MNF-I to the Iraqi government, noting that nine out of 18 provinces are now under Iraqi control. (On 16 July, Qadisiyah province was also transferred to Iraqi control.) Finally, he said the Iraqi government needed to implement a series of measures to sustain security gains, in particular by increasing delivery of humanitarian assistance to refugees, continuing progress in political reconciliation, and holding provincial elections.

Gambari said progress in political dialogue was crucial because the security situation, while improving, remained fragile. Updating the Council on the recent activities of UNAMI, he said its human rights personnel were hoping to gain access to places of detention to assess the situation of Iraqi detainees. He also emphasised the necessity to alleviate the suffering of Iraqi refugees and internally displaced persons (IDPs), and said the UN was developing a programme for refugee return to ensure the Iraqi government and aid agencies were prepared for when conditions are appropriate.

Sach highlighted weaknesses in financial controls over Iraqi oil proceeds, and said spending ministries reported less than 15 percent of audit recommendations had been implemented. He said the practice of briefings by the Secretary-General's representative to Council members should continue.

Iraq's Foreign Minister, Hoshyar Zebari, also spoke. He emphasised significant accomplishments in security, political and economic fields. He said Iraq continued to need the MNF-I assistance, in particular to support provincial elections set for October (these have since been delayed to December). He said despite the Iraqi security forces being better trained, equipped and in greater numbers, they were still not able to independently assume full responsibility for the maintenance of security in all Iraqi territory. He told the Council Iraq was negotiating bilateral security agreements with the US which would replace the UN-mandate for MNF-I as it expires at the end of the year. Those agreements should reflect progress achieved in the development of Iraqi security forces, be subject to approval by Iraq's Council of Representatives and preserve Iraq's sovereignty and national interests.

The Council adopted a press statement agreeing to support the MNF-I mandate

and the DFI and IAMB arrangements. The statement also expressed appreciation for UN assistance to Iraq, recognised efforts made by the Iraqi government to improve security, national reconciliation, and reconstruction and to combat terrorism and sectarian violence.

On 5 June, the Secretary-General's Special Representative in Iraq, Staffan de Mistura, presented to the Iraqi government UNAMI's initial analysis on possible processes to resolve disputed internal boundaries. Analytical reports were presented on four specific districts in northern Iraq with the aim of contributing to processes to resolve these issues.

On 29 May, Sweden hosted the first annual review of the International Compact with Iraq, an Iraqi-led five-year partnership with the international community aimed at achieving long-term stability and sustainable development. Around one hundred states and organisations attended the conference, which was co-chaired by the Secretary-General and Iraqi Prime Minister Nouri al-Maliki. Maliki requested cancellation of around \$60 billion of Iraq's international debt and termination of Iraq's continuing compensation payments related to Saddam Hussein's invasion of Kuwait in 1990. In a final declaration, the participants recognised progress made by Iraq in the fields of security and legislation, and reaffirmed their intention to promote investment and trade with Iraq. They also defined emerging priorities such as development, human rights, reconstruction and economic governance.

On 6 July, the United Arab Emirates announced it had cancelled Iraq's debt of almost \$7 billion. On 10 July, the Kuwaiti government announced it would refer the cancellation of Iraq's debts to parliament and meet with UN officials to confer about the possibility of cancelling war compensation. (Iraq currently allocates five percent of its oil revenue to meet the compensation claims. A further \$28 billion is owed.)

On 19 July, the appointment of six Sunni cabinet ministers was approved after nearly a year-long boycott of the government by the main Sunni political bloc. The six ministers were members of the Accordance Front (Tawafiq). The bloc suspended its membership from parliament and withdrew from the government on 1 August 2007 over power sharing. Parliament also approved four members of the Shiite unified Iraqi alliance

to fill cabinet posts vacated by Sadrists and Iraqi National List members of parliament. (In April 2007, six ministers loyal to Shiite cleric Moqtada al-Sadr withdrew from the cabinet over the prime minister's refusal to set a timetable for an US troop withdrawal from Iraq.)

On 22 July, Iraq's parliament passed the governorate election law. The Kurdish bloc boycotted the vote after objecting to how the law dealt with Kirkuk. The Presidency Council, headed by President Jalal Talabani, rejected the law on 23 July. The Kurds are calling for a long-delayed referendum in Kirkuk to determine its status. Provincial elections had been scheduled for October, but because of delays in reaching an agreement between all factions, have been delayed until December.

Negotiations between Iraq and the US on a broad strategic framework agreement and status of forces agreement have encountered difficulties and it seems that agreement will not be concluded by 31 July as the US had anticipated. According to the White House, in the area of security cooperation, both sides agreed to include a "general time horizon" for the withdrawal of US troops based on continued improving conditions on the ground. Shi'a cleric Moqtada al-Sadr and Grand Ayatollah Ali al-Sistani have denounced the negotiations and reportedly oppose a long term agreement, favouring a short term pact.

Options

The Council is unlikely to consider any other options than renewing the UNAMI mandate for a further 12 months.

At some stage, however, the Council may need to consider options for successor security arrangements for UNAMI, in the event the MNF-I mandate is renewed in December. (MNF-I currently provides UNAMI security.)

Key Issues

The UNAMI report is likely to discuss progress made in activities undertaken to satisfy its detailed set of requirements, as mandated in resolution 1770. Discussions are likely to centre on the following issues:

- **Refugees:** Maliki stated at the Stockholm conference that his government would work to create conditions to facilitate the return of refugees and IDPs and provide them with financial incentives (the government has allotted \$195 million). However, the UN High Commissioner for

Refugees (UNHCR) and various nongovernmental organisations are concerned improvements in the security situation are insufficient to support returnees at this stage. A related issue is the lack of funding for UN agencies despite the UN issuing a relief appeal in February, as well as the Iraqi government's apparent lack of capacity to spend aid money efficiently. It is reported up to five million Iraqis have fled their homes for security reasons, with half of these now outside the country and the other half internally displaced.

- **Internally disputed territories and the status of Kirkuk:** Many of Iraq's political factions were unhappy with UNAMI's first set of analysis presented in June. The Council will be interested in further progress reports on the outcomes of UNAMI's continued engagement with stakeholders on the issue.
- **Electoral Law:** A key question is whether the governorate elections will be held this year. The status of Kirkuk is an issue.
- **Constitutional review process:** On 21 July, the Head of the Constitutional Review Committee announced its final report had been drafted and would be passed to the Executive Council for comment. Disputed issues being considered by the Committee include power-sharing among the presidency, the governorates and the regions, as well as issues of oil-revenue sharing.

UNAMI's security beyond the expiry of the MNF-I mandate in December will become an issue. On 18 December 2007, the Council renewed the MNF-I mandate for one year noting the government of Iraq considered this to be its final request for such an extension. Resolution 1770 recognises the essential role of MNF-I in enabling UNAMI to carry out its work in Iraq. A successor will be required to continue the support currently provided by MNF-I to UNAMI.

Council Dynamics

During the June debate, most members demonstrated ongoing support for the UN role in Iraq, in particular its work regarding the disputed boundaries. Council members continue to be satisfied with the reinvigoration of the mandate of UNAMI in resolution 1770, and are keen to see UNAMI achieve real progress in implementing this mandate. Iraq is supportive of a mandate renewal for UNAMI.

During the June debate, almost all Council members welcomed the assessments



made by the Iraqi foreign minister and the US regarding progress in the security and political fields. However, most members raised concerns over the ongoing humanitarian situation. Panama may like to see a greater focus on humanitarian aspects of UNAMI's current mandate.

Members are conscious of the need to address the issue of security for UNAMI personnel in the event that the MNF-I does not have its mandate renewed in December. Neither the US nor the UK believes UNAMI's protection will dramatically change after December, whether or not the MNF-I mandate is renewed. Some successor will likely carry out the necessary support to UNAMI. Council members, including both the US and UK expect that in the medium term UNAMI will transition to security self-reliance, supported by the Iraqi government, once security conditions are appropriate.

UN Documents

Selected Security Council Resolutions

- S/RES/1790 (18 December 2007) renewed the mandate of the MNF-I for one year, with a review by 15 June.
- S/RES/1770 (10 August 2007) renewed UNAMI for one year and revised its mandate.

Latest UNAMI Report

- S/2008/495 (29 July 2008)

Last Security Council Briefing and Debate on Iraq

- S/PV.5910 (13 June 2008)

Latest Press Statement

- SC/9358 (13 June 2008) agreed upon the continuation of the MNF-I mandate and of the DFI and IAMB arrangements

Latest Letters

- S/2008/380 (10 June 2008) was a letter from Iraq emphasising that Iraq still needed the assistance and support of the MNF-I and noting that Iraq is currently negotiating bilateral security arrangements with the US that would address Iraq's security needs; these arrangements are currently covered by the mandate of the MNF-I.

Other Relevant Facts

Special Representative of the Secretary-General

Staffan de Mistura (Sweden)

Deputy Special Representative for Political Affairs

Michael von der Schulenburg (Germany)

Deputy Special Representative for Humanitarian, Reconstruction and Development Affairs

David Shearer (New Zealand)

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

Ibrahim Gambari (Nigeria)

MNF-I

- Strength as of February 2008: 166,000
- Composition as of July 2008: US, UK, Georgia, South Korea, Australia, Romania, El Salvador, Bulgaria, Albania, Mongolia, Czech Republic, Azerbaijan, Denmark, Armenia, Ukraine, Macedonia, Japan, Latvia, Lithuania, Singapore, Moldova, Bosnia and Herzegovina, Estonia, Tonga and Kazakhstan.

UNAMI

- Composition as of 31 May 2008: 219 troops (Fijian blue helmets), 5 military observers, 292 international civilian staff and 337 local civilian staff.
- Middle ring security (under MNF-I command): about 200 Georgian soldiers in Baghdad and about 60 South Korean troops in Erbil.

Useful Additional Sources

- UNAMI press release: UNAMI presents first analysis to help resolve on disputed internal boundaries, 5 June 2008 <http://www.uniraq.org/newsroom/getarticle.asp?ArticleID=702>
- International Crisis Group, *Failed Responsibility: Iraq Refugees in Syria, Jordan and Lebanon*, Middle East Report no. 77, 10 July 2008
- Iraq Consolidated Appeal Mid-year Status Update, June 2008, <http://www.humanitarianappeal.net>

Democratic Republic of the Congo

Expected Council Action

The Group of Experts on sanctions in the Democratic Republic of the Congo (DRC) is expected to submit its next report to the DRC Sanctions Committee by 15 August. The Sanctions Committee may report to the Council after considering the Group of Experts' report.

Recent Developments

On 3 July, the Secretary-General reported on the UN Mission in the DRC (MONUC) and described the overall security situation as "tenuous". He noted that while there had been a decline in the number of violations of the ceasefire in North Kivu, there had been an increase in attacks against civilian targets carried out by armed groups. This included an attack by the Forces démocratiques de libération du Rwanda (FDLR) on 4 June against internally displaced persons (IDPs) in Kinyandoni. The FDLR and the Coalition des patriotes résistants congolais (PARECO) also continued to attack positions of the Congolese national army. In South Kivu, insecurity also increased with armed robberies of international NGOs and transport vehicles. The FDLR also seems to be maintaining collaboration with the Mayi-Mayi militia in South Kivu.

The Secretary-General's report also highlighted the need to accelerate the process for resolving the situation in eastern DRC and to develop legitimate government institutions in order to meet benchmarks for the eventual drawdown of MONUC. He noted that continued political engagement by the various parties was necessary for the success of the Goma Agreement (reached between the Congolese government and various armed groups in North and South Kivu on 23 January) and the Nairobi Agreement (reached 9 November 2007 between the DRC and Rwanda to cooperate against common security threats).

The International Criminal Court (ICC), on 7 July, reversed its 2 July decision to release Thomas Lubanga Dyilo, leader of the rebel militia Union des patriotes congolais. Lubanga had been accused of recruiting and using child soldiers. The ICC said that Lubanga should remain in custody until a decision was made on the appeal by the prosecution. Previously the ICC Trial

Chamber had found that prosecutors had withheld evidence from the defense.

The Pact on Security, Stability and Development in the Great Lakes Region entered into force on 21 June following its ratification by eight of the 11 core countries of the International Conference on the Great Lakes Region (ICGLR). Under the agreement, the participating countries commit themselves to address the underlying causes of the conflicts in the region and to deal with major security, development, humanitarian, governance and social issues from a regional perspective. The eight countries that ratified were Burundi, the Central African Republic, the DRC, Kenya, the Republic of Congo, Rwanda, Tanzania and Uganda. The first ICGLR summit to be held after the Pact's entry into force will be held in Kinshasa in mid-December.

On 24 April, the DRC Sanctions Committee decided to remove the name of Congolese businessman Kisoni Kambale from its consolidated assets freeze and travel ban list. However, the Committee decided to maintain the assets freeze imposed on entities associated with Kambale, Butembo Airlines and Congocom Trading House. These were separately designated for provision of assistance to illegal armed groups in breach of the arms embargo imposed in 2003 and 2005. The delisting of Kambale, who is reportedly dead, was the first delisting since the DRC Sanctions Committee was set up in March 2004.

Key Issues

The key issue for the Sanctions Committee is the impact for the sanctions regime (arms embargo, assets freeze and travel ban) in light of the Secretary-General's description of the security situation as remaining fragile.

Another major issue relates to the possible extension of sanctions to those groups illegally operating particularly in the eastern parts of the DRC, especially those responsible for serious violations of international law involving sexual violence and the recruiting and use of children in armed conflict. It is now two years since the Council adopted resolution 1698 calling for sanctions against actors recruiting and using children in armed conflict in the DRC. However, no list of individuals or entities has been drawn up. In January, the Council president conveyed the "grave concern" of

its Working Group on Children and Armed Conflict to the DRC Sanctions Committee about this.

In June resolution 1820 reiterated the Council's condemnation of violence against women and children in conflict situations and indicated an intention to consider the "appropriateness of targeted and graduated measures against parties to situations of armed conflict who commit rape and other forms of sexual violence against women and girls in situations of armed conflict."

Options

Options for the DRC sanctions committee include:

- considering the report of the Group of Experts and reporting to the Council quickly;
- considering the report of the Group of Experts but delaying reporting the Council until a later date; and
- recommending additions to the sanctions list in light of resolutions 1698 and 1820.

Council Dynamics

The DRC Sanctions Committee (which is made up of all Council members) appears to be agreed on the ongoing relevance of the sanctions regime until the situation further stabilises and the Congolese government gains effective control of its national territory. (The recent delisting of Kisoni Kambale was said to have been prompted by a "factual finding" that he was deceased, and therefore it was no longer deemed necessary to retain his name on the sanctions list.)

There appear to be differences among members on whether to add to the sanctions list. Members like Belgium, France, UK and US have broached the idea that sanctions would incentivise better behaviour from those responsible for attacks on civilians. Others like China, Indonesia and Russia have expressed concern about the timing and consequent ineffectiveness of such additions, arguing that action could undermine the Goma peace process by alienating affected individuals and/or parties. The sanctions committees operate on the basis of consensus, and accordingly the upcoming report of the DRC sanctions Group of Experts may help shed further light on the matter.

UN Documents

Selected Security Council Resolutions

- S/RES/1820 (19 June 2008) indicated the Council's intention to consider the "appropriateness of targeted and graduated measures" against parties who committed acts of violence towards women and girls in situations of conflict.
- S/RES/1807 (31 March 2008) lifted the arms embargo for government forces and strengthened measures related to aviation and customs.
- S/RES/1804 (13 March 2008) demanded all members of Rwandan armed groups operating in eastern DRC lay down their arms, called upon DRC and Rwanda to implement commitments under the Nairobi communiqué, and asked states to cooperate with the International Criminal Tribunal for Rwanda.
- S/RES/1799 (15 February 2008) renewed the sanctions regime and the mandate of the Group of Experts until 31 March 2008.
- S/RES/1794 (21 December 2007) renewed the mandate of MONUC until 31 December 2008.
- S/RES/1698 (31 July 2006), 1649 (21 December 2005) and 1596 (18 April 2005) strengthened sanctions, including, in resolution 1698, provisions against actors recruiting and using children in armed conflict in the DRC.
- S/RES/1533 (12 March 2004) established the Sanctions Committee and the Group of Experts.

Latest Presidential Statement

- S/PRST/2008/2 (30 January 2008) commended the government and other parties for organizing the Goma conference on a ceasefire and disarmament of armed groups.

Latest Secretary-General's Report

- S/2008/433 (3 July 2008) was the latest (26th) report on the DRC.

Selected Sanctions Committee Document

- S/2008/43 (11 February 2008) was the latest report of the Group of Experts for the DRC.



Other

- SC/9312 (28 April 2008) was the press release on the DRC sanctions committee delisting of Kisoni Kambale from its consolidated assets freeze and travel ban list.
- S/AC.51/2008/4 (14 January 2008) was the letter from the president of the Council to the chair of the DRC Sanctions Committee following up on the recommendations of the Working Group on Children and Armed Conflict.

Other Relevant Facts

Chairman of the DRC Sanctions Committee

Ambassador R.M. Marty M. Natalegawa (Indonesia)

Group of Experts

- Abdoulaye Cissoko (Mali, aviation expert)
- Caty Clément (Belgium, regional expert)
- Amadou Hamidou (Niger, customs expert)
- Ramón Miranda Ramos (Spain, arms expert and Coordinator of the Group)
- Gregory Salter (UK, finance expert)

Special Representative of the Secretary-General and Head of Mission

Alan Doss (UK)

MONUC Force Commander

Lieutenant-General Babacar Gaye (Senegal)

Size, Composition and Cost of Mission

- Strength as of 30 June is 16,666 troops, 693 military observers, 1,046 police and 939 international civilian personnel.
- Approved budget (1 July 2007-30 June 2008): \$1,115.65 million

Duration

30 November 1999 to present; mandate expires on 31 December 2008

Expected Council Action

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

The annual reports of the two tribunals, which are published as both Council and General Assembly documents, are usually discussed in the General Assembly in September. The 2008 reports are likely to be of particular interest following the arrest of former Bosnian Serb leader Radovan Karadzic and also with the deadline for both tribunals to complete initial trial activities rapidly approaching. (In 2003, resolution 1503 established an expectation that the tribunals would complete all “trial activities at first instance by the end of 2008 and all work in 2010”.)

Updates on timetables for trials, the capture of remaining fugitives, international cooperation in tracking them down, and “legacy” or “residual” issues (which would survive the legal existence of the tribunals or be created by their closure) are all expected to feature prominently in this year’s reports.

Key Recent Developments

On 21 July, Radovan Karadzic was arrested in Belgrade after 13 years as a fugitive. On 25 July, Karadzic’s lawyers filed an appeal against Karadzic’s extradition to the ICTY. The appeal—apparently posted just before the midnight deadline on 25 July—had not been received by 29 July leading the Serbian justice minister to issue a final extradition order. On 30 July Karadzic was extradited to The Hague. Karadzic faces 11 counts of genocide, war crimes, crimes against humanity and other atrocities in the Bosnian war of the 1990s. Ultra-nationalists in Serbia have been holding protest rallies since Karadzic’s arrest. The rally on 29 July attracted over 10,000 supporters and led to clashes with the police.

On 4 June, the Council received a briefing from the presidents and prosecutors of both tribunals on the semi-annual progress reports on their completion strategies. Both presidents indicated that completion of first instance trials by the end of 2008 was unlikely because of recent arrests. (Between June and October 2007, there were three arrests of suspects who will be

tried at the ICTR: former Rwandan Deputy Governor Dominique Ntawukuriryayo, former planning Minister Augustin Ngirabatware and former Minister for Youth Callixte Nzabonimana. In June 2007, former Bosnian Serb army officer Zdravko Tolimir and former Serbian police officer Vlastimir Dordevic were arrested and transferred to the ICTY.)

On 11 June, one of the top three fugitives on the ICTY’s wanted list, Stojan Župljanin, was arrested in Belgrade by Serbian authorities and transferred to The Hague. This and Karadzic’s arrest are expected to affect the timeline for the ICTY’s first instance trials.

The mandate of the judges of the ICTR will expire at the end of 2008. On 6 June, the ICTR president wrote to the presidents of the Council and General Assembly asking for the extension of the term of office of the judges. In response, on 18 July the Council adopted resolution 1824 which extended the term of office of 9 permanent and 17 ad litem judges. The General Assembly on 28 July also endorsed the request.

Other developments related to the ICTY and ICTR included:

- On 3 July, the Appeals Chamber of the ICTY overturned a June 2006 judgement from the trial chamber sentencing former Bosnian army commander Naser Orić to two years in prison for failure to prevent murder and cruel treatment of Serb prisoners in Srebrenica between late 1992 and early 1993.
- The ICTY on 11 July granted Dragoljub Ojdanić, the former Chief of the General Staff of the Yugoslav Army, provisional release on compassionate grounds.
- On 27 June, the ICTY ordered the temporary release of Jovica Stanišić and Franko Simatović, two former high-level officials with the Serbian secret service.
- The ICTR on 9 June turned down a request to transfer Rwandan businessman Gaspard Kanyarukiga’s case to Rwanda on the basis that he may not receive a fair trial. (At the end of May, the ICTR had ruled against a similar transfer for another Rwandan businessman, Yusuf Munyakazi, and four others.)
- On 3 June, the Secretary-General transmitted a letter to the Council from ICTR President Dennis Byron conveying a letter from the ICTR prosecutor to the Council president requesting the Council to call on the governments of Kenya

and the Democratic Republic of Congo (DRC) to cooperate with the ICTR. The letter also asked the Kenyan police to investigate the presence of Rwandan businessman Félicien Kabuga in Kenya and freeze his bank accounts.

On 29 July, the Bosnian war crimes court in Sarajevo convicted seven Bosnian Serbs of genocide over the massacre of Bosnian Muslims in Srebrenica in 1995. The two-year trial was the first to be held in Sarajevo over crimes committed at Srebrenica and the first for genocide.

The Council’s Informal Working Group on Tribunals, which has been chaired by Belgium since January 2008, on 4 June met the presidents, prosecutors and registrars of the tribunals to discuss residual issues outlined in the report submitted by the two tribunals last year. The Informal Group is expected to start discussing the elements for a resolution setting up the framework for managing residual issues in September.

Options

The Council does not usually take up the tribunals’ annual reports for discussion. But with the arrest of Karadzic and its impact on deadlines, the Council may choose to discuss the annual reports. A possible option then could be a presidential statement highlighting the importance of international cooperation in apprehending the remaining key fugitives in the next few months as well as the Council’s commitment to providing guidance on legacy issues.

Key Issues

As the 2008 deadline for the tribunals approaches, the key issue facing the Council is its role in resolving questions such as:

- How to balance the time needed for a proper trial for suspects like Karadzic against the deadlines set in resolution 1503?
- What should be done if key fugitives are not apprehended by the 2010 deadline?

An increasingly urgent issue is cooperation in apprehending fugitives. The arrest of Karadzic is likely to lead to greater pressure on Serbia to cooperate in finding the remaining two key fugitives, Ratko Mladic and Goran Hadzic. In June during the Council debate ICTY Chief Prosecutor Serge Brammertz said that indictees sought by the ICTY were “within reach of the Serbian authorities” and rated Serbia as “unsatisfactory” in helping capture them. With Karadzic’s arrest

there is hope that Serbia's new government will be more open to cooperation with the ICTY. Hassan Jallow, the chief prosecutor of the ICTR, highlighted the need for greater cooperation from Kenya and the DRC.

An underlying issue will be the interpretation of resolution 1503 which called on the ICTY and ICTR to "take all possible measures" to complete all trial activities in the first instance by 2008, and to compete all work by 2010. Some members see the wording of this resolution to mean that the deadlines are indicative while others interpret it as mandatory.

Another issue of increasing urgency is the ongoing functions of the tribunals in the future. One option is to downsize and maintain essential functions. Another is to close down and transfer functions to the International Criminal Court. Other issues being considered are what type of mechanism should be set up, how to deal with arrests after the tribunals close down, and what happens if new evidence comes to light.

An increasingly important issue is witnesses' protection. There are questions about how this will be maintained following the closure of the tribunals.

Another significant issue is building capacity in national courts. Transferring cases to national jurisdictions is a key component of current completion strategies. But recent ICTR rulings against transferring cases to Rwanda signal potential problems in relying exclusively on national jurisdiction.

Archives continue to be a key issue. Important factors include availability and accessibility. Rwanda, the AU, Tanzania, and the Netherlands have all expressed interest in housing them. The UN is also a possible home. The Advisory Committee on Archives to the Registrars set up in October 2007 is expected to present its final recommendations to the tribunals' registrars in the next few months.

Council Dynamics

There is now heightened awareness among Council members of the need to make progress on residual issues by the end of the year. Positions should emerge more clearly in the next few months as the Security Council's Informal Working Group on Tribunals discusses elements of a framework for residual issues.

There appears to be agreement on the need to ensure that the remaining fugitives are brought to justice even after the tribunals have closed. However, some members, especially China and Russia state publicly that the timetables need to be observed. Russia has proposed that the tribunals should begin "no judicial proceedings in the first instance after 1 January 2009". Other members prefer a more flexible approach and do not think a resolution is necessary to allow the tribunals to continue.

Increased sensitivity to issues relating to the former Yugoslavia, due to developments in Kosovo, may be influencing the ICTY issues. Over the last year, Russia has shown increasing unhappiness with the ICTY, reacting strongly to the allegations of witness intimidation in the case of Ramush Haradinaj, a former prime minister of Kosovo, as well as the acquittal of Naser Orić.

UN Documents

Selected Security Council Resolutions

- S/RES/1824 (18 July 2008) was the resolution extending the term of office of 9 permanent and 17 ad litem ICTR judges.
- 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/2008/436 (13 June 2008) transmitted the ICTR's request for an



extension of the terms of office judges and eight ad litem judges.

- S/2008/356 (3 June 2008) was the letter from ICTR regarding fugitives in Kenya and the DRC.
- S/2008/326 (13 May 2008) was the letter from the ICTY president transmitting his assessment of the implementation of the tribunal's completion strategy as of May 2008.
- S/2008/322 (12 May 2008) was the letter from the ICTR president transmitting his assessment of the implementation of the ICTR's completion strategy as of May 2008.

Selected Presidential Statements

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

Other Relevant Documents

- S/PV.5904 (4 June 2008) was the last Council briefing by the presidents and prosecutors of the ICTY and ICTR.
- S/2007/502 (15 August 2007) was the 2007 annual report of the ICTR.
- S/2007/469 (1 August 2007) was the 2007 annual report of the ICTY.

Other Relevant Facts

ICTY

- Two accused at large, including former Bosnian Serb military commander Ratko Mladic.
- Five accused at the pre-trial stage, 13 referred to a national jurisdiction, 27 on trial, 8 at the appeal stage
- Webpage: <http://www.un.org/icty/index.html>

ICTR

- Thirteen accused at large, including Félicien Kabuga, a businessman accused of inciting massacres in Rwanda
- Eight accused awaiting trial, 28 on trial, two 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	1540 Committee report on the implementation of the resolution S/RES/1810
31 July	SG report on Iraq (oil-for-food programme) S/2008/341
31 July	SG quarterly report on UN Assistance Mission for Iraq (UNAMI) S/RES/1770
August	Lebanese Independent Border Assessment Team (LIBAT) report S/PRST/2007/12
1 August	SG report on UN Mission in Timor-Leste (UNMIT) S/RES/1802
15 August	SG report on UN Mission in Liberia (UNMIL) S/RES/1777
15 August	Democratic Republic of the Congo Group of Experts report to Sanctions Committee S/RES/1807
by 31 August	SG monthly report on UN-AU Mission in Darfur (UNAMID) S/RES/1769
by 31 August	SG semi-annual report on UN Stabilisation Mission in Haiti (MINUSTAH) S/RES/1780

August 2008	Mandates Expire	Relevant Document
10 August	UN Assistance Mission in Iraq (UNAMI)	S/RES/1770
20 August	Council authorisation for the AU Mission in Somalia (AMISOM)	S/RES/1801
31 August	UN Interim Force in Lebanon (UNIFIL)	S/RES/1773

August 2008	Other Important Dates
Early or mid-August	The Special Representative of the Secretary-General to Sudan, Ashraf Qazi, is expected to brief the Council.
19 August	The Special Representative of the Secretary-General to Timor-Leste, Atul Khare, is expected to brief the Council.

Also expected in August:

- South African judge Navanethem Pillay, appointed as High Commissioner for Human Rights in July, will assume her post on 1 September 2008.
- The Council is expected to receive the ICTY and ICTR annual reports in August.
- Special Advisor Ibrahim Gambari is planning to visit Myanmar in mid-August.
- The Secretary-General is expected to present recommendations on improving security in Somalia by 15 August.

Important Dates over the Horizon

- Demetris Christofias and Mehmet Ali Talat, the leaders of the Greek Cypriot and the Turkish Cypriot communities respectively, are scheduled to initiate comprehensive negotiations on 3 September 2008.
- The Secretary-General is expected to report on follow-up arrangements regarding EUFOR Chad-Central African Republic by September 2008. The report is expected to include recommendations on the future mandate of the UN Mission in the Central African Republic and Chad (MINURCAT), whose mandate expires on 25 September.
- The next IAEA Board of Governors meeting is scheduled for 22-26 September 2008 in Vienna.
- Legislative elections have been scheduled for 16 November 2008 in Guinea-Bissau.
- Presidential elections in Côte d'Ivoire are now scheduled for 30 November 2008.
- In Iraq, governorate elections are currently planned for December 2008.

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